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**REPORTS OF COMMITTEES**

**OF THE**

**SENATE OF THE UNITED STATES**

**FOR THE**

**FIRST AND SECOND SESSIONS OF THE FORTY-SIXTH CONGRESS,**

**1879-'80.**

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**IN EIGHT VOLUMES.**

**Volume 1 contains Nos. 1 to 9, 1st session, and Nos. 10 to 340, 2d session, except Nos. 277 and 303, parts 1 and 2.**  
**Volume 2 contains Nos. 277 and 303, parts 1 and 2.**  
**Volume 3 contains Nos. 341 to 487, except No. 388.**  
**Volume 4 contains No. 388.**  
**Volume 5 contains Nos. 488 to 571.**  
**Volume 6 contains Nos. 572 to 670.**  
**Volume 7 contains Nos. 671 to 725, and 693, part 1.**  
**Volume 8 contains No. 693, parts 2 and 3.**

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TO THE

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IN THE SENATE OF THE UNITED STATES.

APRIL 16, 1880.—Ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1307.]

*The Committee on Pensions, to whom was referred the bill (S. 1307) granting a pension to L. O. French, late surgeon Fourth Regiment Michigan Volunteers, report as follows:*

That the claimant's alleged disability was not due to his military service; that after serving for three months and nine days he resigned from other causes, and made no mention of the alleged disability upon which he bases his claim.

The committee therefore recommend that Senate bill No. 1307 do not pass, and that the committee be discharged from further consideration of the subject.

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IN THE SENATE OF THE UNITED STATES.

APRIL 16, 1880.—Ordered to be printed.

Mr. INGALLS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1201.]

*The Committee on Pensions, to whom was referred the bill (S. 1201) granting a pension to Henry Williams, report as follows:*

Henry Williams was a private in Company G, Forty-eighth Regiment Missouri Volunteers. In 1865 he contracted inflammatory rheumatism at Spanish Fort, Alabama, and is now an inmate of the Freedmen's Hospital in Washington. He is shockingly bent, deformed, and crippled, and evidently incapable of manual labor.

The committee recommend the passage of the bill, with an amendment striking out in the seventh line the words "at the rate of total disability," leaving the rate to be fixed by the Commissioner.

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IN THE SENATE OF THE UNITED STATES.

APRIL 16, 1880.—Ordered to be printed.

Mr. CALL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2041.]

*The Committee on Pensions, to whom was referred the bill (H. R. 2041) granting a pension to James Aaron, private Company F, Ninety-first Regiment Pennsylvania Volunteers, have carefully examined the same, and report :*

That the record of the applicant shows that he entered hospital within two months after he was drafted into the military service ; that he continued in hospital almost the whole time until his discharge in June, 1865, less than a year after he entered the service.

That he admitted to the examining surgeon that his leg was diseased before he entered the service.

Your committee have not found in the evidence submitted satisfactory proof that the applicant's disease was contracted in the service and in the line of duty, and therefore recommend that the bill be indefinitely postponed.

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IN THE SENATE OF THE UNITED STATES.

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APRIL 16, 1880. —Ordered to be printed.

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Mr. GROOME, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2855.]

The Committee on Pensions, to whom was referred the bill (H. R. 2855) entitled "An act granting a pension to Rachael J. Reber," have carefully examined the same, and report that they find the facts to be substantially as stated in House Report No. 33 (second session Forty-sixth Congress), and they therefore report back the bill with amendments and recommend its passage in its amended form.

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IN THE SENATE OF THE UNITED STATES.

APRIL 16, 1880.—Ordered to be printed.

Mr. INGALLS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1638.]

*The Committee on Pensions, to whom was referred the petition of Horace S. Spear, have examined the same, and report as follows:*

Horace S. Spear, late a private soldier in Company I, Fifth Regiment Vermont Volunteers, enlisted September 16, 1861, and was discharged December 27, 1862, on surgeon's certificate of disability, which states that claimant was incapable of performing the duties of a soldier because of "tenderness and pain in the lumbar regions, resulting from an injury, having been run over as stated; unfit for duty since July 4, 1862."

On the 27th day of March, 1877, he filed his declaration for invalid pension, alleging that while in the service of the United States and in the line of his duty, he was disabled by spinal and hip disease contracted on or about June 20, 1862, in the seven days' retreat from Richmond, Va., by being run over by a gun-carriage of a battery which his regiment was supporting at the time; which injury has so disabled him that he is incapable of performing manual labor or working at his trade, which is that of a mason.

June 6, 1877, claimant was ordered before a board of examining surgeons, Drs. Langdon, Atwater, and Lund, who gave their opinion that the disability did not originate in the line of duty or in the service, and state in their certificate that the injury upon which the claim is based was received long before the war, and that claimant limped before enlistment in the same manner he does now. They describe his disability as an "old dislocation of the right hip joint," a shortening of 2½ inches; atrophy of the muscles of the thigh. Flexion and extension of the right thigh are performed to about one-half the normal degree. The statement that he was run over is not denied.

The records in the office of the Surgeon-General show that claimant was admitted to hospital July 4, 1862, with contusion; was transferred to general hospital, Annapolis, Md., November 15, 1862, with injury of loin, and was discharged December 26, 1862. Records give no other diagnosis in the case.

The rolls on file in the office of the Adjutant-General show that claimant's company was in action at Savage Station, June 29, and he reported as missing, sick in general hospital, July and August, 1862, and discharged on certificate of disability December 27, 1862.

The claim was rejected upon the statement of the examining board, but was afterwards reopened, as their certificate was not deemed sufficient to overcome the testimony as to soundness.

A special agent of the Pension Office was ordered to investigate this claim, and it will be found by reference to his report that twelve prom-

inent, credible, and disinterested citizens of Burlington, Vt., and that vicinity, several of whom had known claimant from boyhood, and had ever since been personally intimate with him, testified from their personal knowledge that he was physically sound when he entered the Army, and was lame when he returned.

Lucretia Spear, an aunt, states that when seven months' old Spear had a boil on one side of his body, which side she does not recollect, from the effects of which he entirely recovered, except that it left one of his legs slightly shorter than the other, but that it did not interfere with his business as he grew up.

This fact appears to have been the foundation of the certificate of the examining board. Dr. Lund was the only member of that board who had personal knowledge of any defect in claimant's gait prior to enlistment, as is shown by the subsequent affidavit of Dr. Atwater, in which he states that he had no personal knowledge of Spear's disability, only that he knew he had a limping walk for some time before his examination by the board, but is inclined to the belief that his remembrance of this fact does not extend back previous to his enlistment; and that he signed the certificate giving an opinion as to Spear's disability before enlistment solely on the representations made by another member of the board.

Upon a review of this special report it was stated by the chief of the division to whom it was referred that, "in view of the strong favorable evidence, a full and thorough investigation is due the claimant," and another special agent was ordered to investigate it.

The report of the second agent shows that he examined nine witnesses, and a brief statement of their testimony is as follows:

Columbus G. Thompson was a private soldier in Company I, and claimant's comrade; he testifies that when Spear enlisted he was affected with some difficulty in his right hip, the right leg being considerably shorter than the other and causing him to limp; that when it was learned that he had been accepted by the board it created surprise in the company; that he would always hitch and limp in his walk, would fall out of ranks, and not be up with the company when going into camp at night. Witness did not meet claimant after the war until about 1873, and he noticed the same limp as when enlisted.

Josiah Dupaw was a corporal in Company I, and testifies that Spear was lame when enlisted; states, also, that from the time of claimant's enlistment until the battle of Savage Station he walked lame; that very frequently while on march Spear would fall out of ranks and throw away his gun. Witness says he was in the battle of Savage Station; that he did not see claimant, and does not believe he was present at any time during the engagement.

The testimony of William J. Dupaw is similar to that of Josiah. He was a private in Company I, and states that Spear was lame when enlisted.

Lucius Bigelow was a sergeant in Company I, and was at the battle of Savage Station, and knew the claimant, who was a private in the same company. He states that he has read the claimant's affidavit, and does not hesitate to say that as far as it relates to Spear's presence at the said battle, and the description of the same, it is false, as the claimant was not in that battle; and if he received his alleged injury on the 29th of June, it was not received while he was in the line of duty.

This witness further swears that claimant's statement that the line of his regiment was broken by artillery commanded by Captains Mott and Ricker is simply absurd, and utterly without foundation. He further declares that while in said engagement, or subsequent thereto, he never

heard that claimant was injured as alleged, and that all the while Spear was in the service he was looked upon as a shirk. In his opinion, Spear should never have been accepted as a soldier; has no ill-feeling toward claimant.

Dr. William B. Lund states that he has known Spear since the winter of 1858 and 1859, at which time claimant was a pupil in a school taught by deponent. He was then a cripple in his right leg and hip, having a very perceptible limp in his gait. He also swears that from a history of the claimant's disability, as related by his aunt, Lucretia Spear, who nursed him when a child, he is of opinion that his disability originated in caries of the head of femur. Witness says claimant is a worthless person, and no reliance can be placed on what he says.

Henry Ballard was first lieutenant of Company I; states that he knew Spear at the time of his enlistment, and that he was a sound and able-bodied man in every respect, and especially free from any defect in either of his legs; that he was in the battle of Savage Station and was there injured by the wheel of a gun-carriage passing over him. He did not see claimant at the time of the injury, but saw him about 30 minutes afterward. He was apparently suffering severely and in a disabled condition. Witness states that very soon after the accident he learned how it happened, but don't remember whether claimant told him, or some other member of the company. His knowledge amounts to a positive conviction in his own mind that claimant was injured as alleged.

Accompanying this report is a detailed statement under oath made by claimant, in which he alleges that he was sound in his right hip and leg when he enlisted; that in 1854 or 1855, while getting down from an apple tree he sprained his *left* ankle, which caused him to walk lame for some time, and troubles him yet occasionally, when he makes a misstep or fails to set his foot down squarely.

He swears that he always kept up with his company, and never threw away his gun; that on one occasion he had a severe attack of bloody flux, and at that time his gun and blanket were put on the wagons and lost; at least, he never saw them again; that his disabilities are not prolonged or increased by intemperance, as he has been for the past four years a strictly temperate man.

Dr. Cole, who has been the medical adviser of claimant's father for forty years, swears that Spear was sound when he entered the Army. It would not have been possible for him to have been lame in one leg continuously and escape his observation.

The claim was rejected on the ground that the disability existed prior to enlistment. From this the claimant appealed, but the Secretary of the Interior confirmed the decision of the Commissioner.

Since filing his petition for relief by special act, claimant has filed the affidavits of N. B. Flannegan, W. Thayer, Edgar W. Burritt, S. R. Mc-Lane, Theodore S. Peck, Joseph A. Larose, Edwin H. Trick, W. M. Carpenter, M. D., professor in the University of Vermont and dean of the medical faculty, B. Seaver, Charles Nichols, Horace Wheeler, A. B. Lowry, J. K. Converse, and Horatio Spear, claimant's brother, all of whom knew him before enlistment, and swear positively that he did not walk lame, and was bodily sound when he enlisted, but has been lame and unable to work since his return.

In contradiction of the testimony of Lucius Bigelow, who denies Spear's statement as to the disposition of troops at the battle of Savage Station, are the affidavits of Michael McKenzie, jr., a private of Company F, and J. Seely Spaulding, a sergeant in Company G, same regiment.

McKenzie swears that the Vermont Brigade of Infantry supported



two batteries in the battle of Savage Station, Mott's and another, which he thinks was Ricketts's. When his company went on to the field Trott's Battery was opening on the enemy, and the Fifth Vermont Regiment was nearly or quite behind it, so that Trott's Battery might have been said to be nearly in front of the Fifth.

Sergeant Spaulding corroborates the above, and both swear that he was sound before he entered the service, and that they have good reason to believe and do believe that he was disabled at Savage Station as he alleges.

Matthew Cole, M. D., became acquainted with claimant in 1854 as physician in his father's family, and testifies that Spear was physically sound at the time of enlistment and for years before.

Henry Ballard was second lieutenant of claimant's company, and at the time of its organization acted as drill-master, and as such had occasion to notice the habits and peculiarities of the recruits, and had every opportunity to know the physical condition of Private Spear. This witness swears positively that claimant was an able-bodied man, and continued to be so until the battle of Savage Station, where he received the injuries stated in his declaration.

D. K. Zottman, United States inspector of customs, has been intimately acquainted with claimant for 25 years, and testifies to his physical soundness when enlisted.

N. B. Flannegan, deputy United States marshal, and for seven years sheriff of the county, has been acquainted with Spear for many years, was a near neighbor, and is positive that he was not in any way physically disabled at the time of his enlistment.

L. J. Smith has known the claimant since boyhood; attended the same Sunday-school, and played together. Saw him frequently up to the time of his enlistment, and can state positively that when he went into the service he was free from physical defect. When he returned from the Army he was suffering with a lame leg and an injured hip.

Leonard C. Bliss, of the police department, has known the claimant for many years; saw him frequently for four or five years immediately preceding his enlistment. He was then working at his trade of stonemason, and to all appearance, in his walk, at his work, and in social intercourse, was free from any lameness whatever. He never heard of his being lame before enlistment. He was in the habit of hiring horses and vehicles from deponent; and while getting in and out of the buggies the witness had many opportunities to observe his physical movements.

J. H. Walton has known Spear for forty years; is and was a near neighbor; saw him frequently prior to his enlistment, and states, from personal knowledge, that he was not lame at time of enlistment, and never heard of his being lame until after his return from the service.

Charles A. Whitney, a merchant of Burlington, has known Spear since boyhood; played together; went to the same Sunday-school; went bathing together, and associated as neighbors' boys. The witness saw Spear every few days, and sometimes every day, for five or six years preceding his enlistment, and from this daily intimate knowledge can swear that the claimant was free from any lameness at the time of entering the Army. He came back disabled.

Harvey Burnett has known Spear since he (Spear) was a boy; never knew or heard of his being lame in any way until he returned from the Army.

Rufus P. Tibbets has known claimant since his (claimant's) boyhood; never heard of his being lame, or saw any indications of it, until after his return from the Army.

Amos C. Spear is a distant relative of the claimant, and intimately acquainted with the whole family. He states positively that he never heard of Spear being disabled until after his return from the war. If he had been afflicted with lameness the witness would certainly have known and noticed it.

Charles Hildreth, of the firm of Brinsmaid & Hildreth, jewelers, became acquainted with Spear in 1852 or 1853; saw him very often just before his enlistment, and never saw him walk lame; never heard of his being lame until his discharge from the Army.

Mrs. Caroline Hildreth is the sister of claimant, and corroborates the statement of her husband, just recited.

The evidence is conflicting and contradictory, but the committee think there is a preponderance in favor of the claimant, and therefore report a bill for his relief, with the recommendation that it pass.

S. Rep. 492—2





IN THE SENATE OF THE UNITED STATES.

APRIL 16, 1880.—Ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, submitted the following

REPORT:

*The Committee on Pensions, to whom was referred the petition and bill granting arrears of pension to Thomas Burroughs, Company G, First Vermont Volunteers, have carefully examined the same, and report :*

That the pensioner was granted a pension by special act of 3d March, 1879, his claim having previously been rejected by the Pension Office because of inability to furnish the proof required of disability originating in the service and in the line of duty. Congress, notwithstanding this defect in evidence, deeming the claim meritorious, granted relief under special act, but as the arrears of pension act is made applicable only to cases where the proof is conclusive and satisfactory to the Commissioner of Pensions, the committee do not deem it expedient to extend its benefits to pensioners whose claims were not thus fully proven. They therefore ask that the bill and petition be indefinitely postponed.

○



IN THE SENATE OF THE UNITED STATES.

APRIL 16, 1880.—Ordered to be printed.

Mr. KIRKWOOD, from the Committee on Pensions, submitted the following

REPORT:

*The Committee on Pensions, to whom was referred the petition of Samuel B. Brightman asking for arrears of pension from June 24, 1864, have carefully examined the same, and report:*

That petitioner was granted a pension commencing February 19, 1879, at the rate of \$5 per month. He asks arrears of pension at the rate of \$15 per month from June 26, 1864, the date of his discharge.

The committee are of opinion that if he is entitled to arrears of pension under the act granting arrears of pension passed in 1879 he should make his application to the Pension Office, and that if he is not so entitled, the Congress should only grant further arrears by general law and not by special act, and therefore ask to be discharged from further consideration of the petition.

○



IN THE SENATE OF THE UNITED STATES.

APRIL 16, 1880.—Ordered to be printed.

Mr. KIRKWOOD, from the Committee on Pensions, submitted the following

REPORT:

*The Committee on Pensions, to whom was referred the petition of Elizabeth Vernor Henry for a pension, have examined the same, and report:*

That petitioner is the sister of Edmund Wilkes Henry, late a commander in the United States Navy, now deceased. Commander Henry entered the service in 1842, and died in the service in 1873, leaving neither widow, minor child, mother, nor father surviving. Petitioner is his only surviving sister, and was born July 12, 1823. The law allows pensions to sisters of deceased soldiers or sailors only when they are under the age of sixteen years at the death of the brother under whom they claim. In this case the petitioner was, at the time of her brother's death, about fifty years of age, and is clearly outside the law.

The committee ask to be discharged from the further consideration of the petition.

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IN THE SENATE OF THE UNITED STATES.

APRIL 19, 1880.—Ordered to be printed.

Mr. KERNAN, from the Committee on Patents, submitted the following

REPORT:

[To accompany bill S. 1082.]

*The Committee on Patents, to whom was referred the bill (S. 1082) for the relief of Smith E. G. Rawson, have had the same under consideration, and made sundry amendments thereto, and report the same, as amended, favorably, and submit the following report:*

The report of the House Committee on Patents correctly states the facts of the case.

That report is as follows:

[H. Report No. 537, 46th Congress, 2d Session.]

*The Committee on Patents, to whom was referred bill H. R. 2537, submit the following report:*

In this case the committee has decided to report a substitute, and recommend favorable action on the bill because they find exceptional circumstances connected with it, and believe that no precedent can thereby be established to make a general rule for the extension of patents.

The subject-matter of this patent is exceptional in itself. It is a surgical appliance of a delicate and private nature, and its beneficial effects have been in the direction of relieving the suffering and sustaining the weak.

Of its value as an invention there can be no doubt. This is fully established by the testimony submitted to your committee of such eminent surgeons as Doctors Van Buren, Belcher, and Linsly, of New York City; Hall, of Saratoga; Bulkley, of Washington; and Bliss and Connor, surgeons in the United States service.

The evidence shows that the patent was originally granted on August 4, 1863, for the period of seventeen years; that for the first eight years there were virtually no returns, notwithstanding the inventor and his family worked faithfully, laboriously, and constantly to introduce the invention, investing all his own means, the separate estate of his wife, and borrowing funds from friends and relatives in the enterprise. But the article was of a character that confined it to a necessarily restricted market, and closed to it the ordinary channels to publicity, by advertisement and exhibition.

As soon as these indefatigable efforts had produced results by establishing a business in 1871, the hostility of infringers was manifested, followed by a long course of litigation, and expenses to the inventor of about \$3,500.

About this period, also, the extraordinary exertions of years, and the anxieties of the business and litigation, preyed upon the health of Mr. Rawson, and he was prevented by illness for a considerable time from giving such care and attention to the promotion of his business as would develop it to the full extent. Nevertheless, he worked to the utmost of his strength, and with the assistance of his family maintained the manufacture of the patented article. Mr. Rawson died on July 9, 1879.

It is further to be noticed that Mr. Rawson gave his whole time and effort to the introduction of his invention. He did not speculate by disposing of licenses, but himself manufactured; he did not sell his invention, but struggled himself to make it a success. His accounts, verified by affidavit, show that for the entire life of the patent, the profits realized both from the patent and the business of manufacturing, representing the aggregated labors of himself, wife, and children, amount to \$19,177.12. But the long illness, with the consequent heavy expenses, have left the inventor's family without money or property.

The widow of Mr. Rawson is the petitioner for the extension of the patent proposed by this bill. She is entitled to consideration, having invested her private estate in the enterprise at its inception, and having faithfully assisted her husband by her manual labor, her encouragement, and advice during all the long years of his struggles. Believing, therefore, that the exceptional character of the invention, its benefit to the public, and the peculiar circumstances of difficulty that attended its introduction to public use, render it a case eminently entitled to the consideration of Congress, the committee recommend that the substitute to the bill do pass.

Wherefore, your committee recommend the passage of the amended bill herewith presented.



IN THE SENATE OF THE UNITED STATES.

APRIL 19, 1880.—Ordered to be printed.

Mr. WALLACE, from the Select Committee to Inquire into Alleged Frauds in the Late Elections, submitted the following

R E P O R T :

Your Select Committee to inquire into alleged frauds in the recent elections was directed by the authority given it "to inquire whether any citizen of any State has been dismissed or threatened with dismissal from employment or deprivation of any right or privilege by reason of his vote or intention to vote at the recent elections, or has been otherwise interfered with, and whether citizens of the United States were prevented from exercising the elective franchise, or forced to use it against their wishes, by \* \* \* any unlawful means or practices."

The attention of the committee was directed, by a number of affidavits upon this subject, to the State of Massachusetts, and the inquiry was prosecuted there and in the State of Rhode Island, where your committee was also pursuing another branch of the duty assigned to it by the Senate. The specific allegation was made that employers of labor in those States coerced their employes to vote as the employers wished, and that deprivation of employment was the penalty for refusal to do so. Among the data submitted to your committee in proof of this allegation was a circular, which was in these words :

DEAR SIR: Your co-operation with the Massachusetts Republican State central committee is most earnestly requested. It is in your power, by the authority you can exercise over those employed by you, to maintain the honor of Massachusetts, and keep it out of the hands of spoilers and political knaves who have selected General Butler as their candidate. His election would disgrace our State, and ruin our standing at home and abroad. A thorough canvass of those you employ and an early report to the secretary of the Republican State central committee will be thankfully received.

That this was issued in the canvass of 1878, by authority of the Republican organization, was shown to be untrue. Its origin could not be traced. It seemed to your committee to be a trick of partisan politics, originating with some irresponsible person and productive of no evil result to any workman.

A meeting of some twenty leading manufacturers and employers of labor was held at the Parker House, in Boston, during the canvass of 1878. Its purpose, as stated by the chairman of the Republican State committee, was not to raise money, but to arouse the interest of those in the meeting to the importance of the issues of the canvass; but there was no proof that any arrangement was there made to coerce employes or exercise any influence upon them. Indeed, it was expressly denied by the testimony.

Another meeting of manufacturers was shown to have been held at Worcester, Mass., in the office of Mr. Washburn, who was chairman of

the Republican city committee. The purpose of this meeting was to urge the employers of labor there present to exercise their influence. It was to arouse them to action. They were asked to call their employés together and address them on the issues. This was done in at least one case. The action taken at this meeting was spoken of by the employés affected as being prejudicial to their freedom of action. Fear of loss of work if they voted or acted against their employers' wishes was frequently expressed. The result of the meeting and its action was a degree of intimidation to the employé. One witness described its effect upon the operatives thus: "It caused them to be no longer active, to grow cold; it dampened their ardor and changed their conduct." Another witness said the meeting was held for the purpose of "forcing their help, through dread of non-employment, to vote contrary to their wishes and according to the wishes of their employers." And still another, who was in charge of the Democratic headquarters, described it thus:

Answer. The effect of the meeting, as it was detailed to me—of course I do not know that it is accurate, but it came to me from quite a number of sources—was this, that there had been a meeting of manufacturers called; that the policy as laid down at that meeting by some of the speakers, and by one speaker particularly, was to this effect: "We must keep inside the law; we must not say that our men will be discharged, nor anything of that kind, but we must hold up before them that if Butler is elected, or the policy he advocates prevails, it will be necessary to close our workshops and stop our business." Men came to me and said that that was the drift of it, and asked me if I thought it was probable that they would lose their work.

Q. Employés came to you and asked you this?—A. Yes, sir; that was the current understanding there, that what I have stated was the tenor of the meeting.

Q. What was the effect, as you gathered it from the employés themselves, upon their minds?—A. Its effect was this: that while up to that date the operatives and employés, as a general rule, in Worcester County, had been enthusiastic, and thronged our rooms day and evening almost, a great many of them then came and expressed doubts as to whether they would be able to vote or act openly, for there as on that they understood that this meeting had been held, and that that was the policy that would be adopted. In consequence of that, there was a decided coolness at that time on the part of this class of men. I do not know that there was any direct act of intimidation upon them further than that the report of this meeting had that effect upon them, but I do know that a great many upon whom we had counted with absolute certainty up to that time were missing, or else voted against us.

Q. What was the number, if you can give it, of employés in the city of Worcester who were Democratic in their proclivities?—A. The laboring population is almost wholly Democratic; that is, the Democratic vote in the city is almost wholly composed of laboring men. But a small proportion of those whom we rank as the property holders there are comprised in our party. I should say that our vote there, in the Tilden election, was forty-two hundred and something, and I should say that easily 3,000 and something of these men were men who worked by the day for their livelihood.

The purpose here expressed of keeping "inside the law" was fully carried out, for there was no case brought to the notice of your committee in which a conspiracy or unlawful combination to coerce voters was disclosed.

We are of opinion, however, that the purpose intended was as fully accomplished as if unlawful means had been used.

Your committee are of opinion that in very many instances during that election the ballot was cast by operatives against their own deliberate convictions and in favor of the candidates of their employers, and that this was the result of a fear of loss of work at the beginning of winter.

This policy of keeping "inside the law" was publicly proclaimed in the Herald, a leading and influential newspaper in Boston, which earnestly and effectively aided the cause of those who called and held those meetings of employers, in these words:

There will probably be a good deal of "bulldozing" done in Massachusetts this year of a civilized type. The laborers employed by General Butler in his various enter-

prises—mills, quarries, &c.—will be expected to vote for him or give up their situations. The same rule will hold good on the other side. There will be no shot-guns or threats. Everything will be managed with decorum, adorned by noble sentiments. But the men who oppose Butler employ three-fourths, if not seven-eighths, of the labor of the State. They honestly believe that Butler's election would injure their property. They know that idle hands are waiting to do their work. It is not to be expected that they will look on indifferently and see their employes vote for a destructive like Butler. Human nature is much the same in Massachusetts and Mississippi. Only methods are different. Brains, capital, and enterprise will tell in any community. It is very improper, of course, to intimidate voters, but there is a way of giving advice that is quite convincing.

This action was described before your committee as "civilized bulldozing," and its occurrence was said to be much more frequent and effective in the manufacturing villages than in the cities.

It is impossible that there should be so much in the cities as in town. It is easier to bring to light the wrong-doings of an employer there; it is harder to cover them up, because of the public press and because of the number of the people who would become cognizant of them. In a factory town it is different. There is no newspaper there; the operative lives in a tenement, belonging to the manufacturer; his wages are small; his wife probably works in the mill; his children probably work in the mill; and, if he is any way fractious, or opposed to voting in the way that these people dictate, his wife, children, and himself are turned out of the mill, out of the tenement, and out of the means of earning a livelihood.

The case of the Manchaug Manufacturing Corporation, in the county of Worcester, was cited as one of those in which this policy of "civilized bulldozing" was pursued. The testimony disclosed the following facts: Manchaug is a manufacturing village, wherein the real estate, mills, houses, churches, halls, and public buildings were owned by the stock company which there manufactured muslin fabrics. They employed a large number of persons as workmen, many of whom were French Canadians. The number of voters at the mills was upwards of 100 in 1878, of whom three-fourths were Democrats. All of the managing force, superintendents, and bookkeepers, were Republicans. Many young people of both sexes were employed at the mills, and their homes were with their parents in the tenement houses of the corporation. One case was shown in which a man who had served during the war occupied one of the company's houses, while his son and three nieces worked in the factory, and lived with him. He was quite active as a canvasser on the Democratic side in 1878. He describes what occurred as follows:

I was not working for the corporation, but was active in the campaign. I distributed the campaign documents to everybody. I was one of the signers of the Butler call and one of the vice-presidents of the Butler club. I contributed two or three dollars to the Butler flag-raising, when we were going to have a good time. Mr. Waters, who had asked for the hall, came to my house when I was not at home; my wife told me of his being there. Immediately after this, a notice came from the mill that I must vacate my tenement within two weeks. It was signed by Robert McArthur and by Charles A. Chase, clerk. For two or three days nothing was said, and they sent for me to come to the shop.

Mr. Chase was in general charge of all the tenements and machines, and so on. I went to him; found him at his house, when he wanted to know whether I was going out of the tenement. It was then about the 10th of October. I said I would like to stop until after town meeting; that I had taken an active part, and would like to vote for General Butler. He said, "You cannot." I replied, "I think I can." He said, "I will have you out in about a week." I asked him, "Have I no rights?" He answered, "Not a God-damned right." I told him, "There is one right I have got." He asked, "What is that?" I said, "I have got possession, and I shall hold it until after town meeting, if I can." Finally, I had three notices and three writs to go to Worcester, but went and voted after all.

If I had been turned out I could not have got any place in town, and I could not have gone back to the tenement. Not only that, but the fact was that previous to my getting my notice I had the village in a blaze; nine-tenths were Democratic, or for Butler, but after they gave me the notice no man would dare say "Butler" in the village.

The son was notified to quit work, and did quit. The effect of this notice to leave, upon men who had families dependent upon them, was to take away their freedom of action, and they were obliged to vote as their employers required, for they had no place to go with their families.

Its effect appears to have been decided upon the voters. Their timidity was described as follows:

They spoke to me about making arrangements about raising a flag, as I did not work for the company and cared nothing for the company. They were afraid to take an active part in it, but agreed to contribute toward defraying the expense. I had a list of some twenty-four names of those who contributed, some a dollar and some two dollars, towards hiring the band and paying the expense of a French speaker. After Mr. Waters came with a notice of Mr. Thayer's and Mr. Mellen's meeting, this notice which followed, from Mr. McArthur to my father, made a change. Those men did not seem to dare to speak to me on the front street there; they would come around after dark and call me out to speak to me; they would pass me on the street without speaking; and they told me, two or three different ones, that it was coming near winter and they did not wish to lose their job, still they wished to vote for Butler.

The corporation owned the only hall in the town in which public meetings were held. It was used for minstrel shows and dances frequently. Mr. Thayer, the Democratic candidate for Congress, and Mr. Mellen, desired to speak in it, but its use was refused by Mr. McArthur, the agent. The witness describes the refusal thus:

I then went to Mr. McArthur and applied for the hall, and told Mr. McArthur that as Mr. Rice, the Republican candidate, had complimented our town by making his opening speech of the canvass there, I thought it would be a very good send-off and a compliment to the place if Mr. Thayer would make the second speech of his canvass in our town, and that all parties would then have an opportunity to hear their candidates in the opening of the canvass. Mr. McArthur replied that he could not let the hall, and remarked to me, "You know how our people are." I suppose that by "our people" he meant the owners. He went on to say, "You know how our people are, and they are not of that way of political thought, and do not belong to that political party; if you owned a hall you would not let in the opposition to speak, either." I replied, "Mr. McArthur, on the contrary, I should certainly do that very thing; and if you people are intending to suppress freedom of discussion of political questions our community want to know it." He said, "Well, I think I cannot let you have the hall."

That Democratic meeting was held in a barn.

The selectmen of the town have charge of the ballot-box on election day. McArthur, an employé of the company, was in charge as such in 1878. Chase and Knox, two other employés of the company, were in attendance. The workmen were provided with Republican tickets at the works, hauled in wagons to the polling-place, and voted under the direct supervision of McArthur, Chase, and Knox. A witness describes the process thus:

My attention was called to the peculiar way they had of managing the voters there, I stepped up to the little railing that they had there to go around and up to the polls and I saw two men stationed at the entrance where the voters went in. One was a Mr. Chase, and the other was a Mr. Knox. I saw that the help of the village (I was acquainted with a great portion of them) came along in a sort of rotation. Mr. Chase was on one side and this Mr. Knox was on the other, and as each man came up they would take hold of the ticket that the man had, and say, "That is right, pass on." Another would come up, and they would say, "That is right, pass on." Another would come up, and they would say, "Hold on, that is not the vote you want to cast." "Why, yes, it is the vote I want to cast." "No, it is not." "Why certainly this is my vote." "O, no"; and he got it out of the man's hand, tore it up, and threw it on the floor. He said, "You do not want to vote such a damned vote as that." He then handed the voter another one. The man then remarked, "I don't want to cast this vote." The reply was, "Go right along; that is the vote you want." The man went right along and put it in the box. Mr. Hastings, the constable, stood right opposite, and I stood, perhaps, four feet from this Mr. Knox.

Another instance is given thus:

Q. Who was at the polls to receive the employés in November last?—A. Mr. Chase.  
Q. Is he connected with the corporation?—A. He is the bookkeeper there.

Q. Who takes them from the mills to the poll?—A. The teams of the corporation take them.

Q. What have you seen in regard to tickets when they have got to the polls?—A. I have seen Mr. Chase change their tickets. He generally stands at one side there where there is a small place to go through, and, as they come along, he always has the ballots there, and I have seen him change them, and have seen them get tickets from him and carry them in.

Q. The specific tickets you speak of, did they examine those?—A. I do not know whether they could or not. Pretty nearly all of those who work there are French, and I do not know whether they could examine them.

Q. Do you know whether those tickets were in envelopes or open?—A. I have seen Mr. Chase give tickets to them that were open.

Q. Did you see this occur in November, 1878?—A. Yes, sir.

Q. Specify an instance and describe how this occurred, if you can.—A. As they passed along he was standing there on this side, and as they would come up to the polls he would stop them, hand them one of the tickets, and say, "Here, carry it in." They might have had an envelope or something of that kind. I have seen them have envelopes. I have seen that occur.

The ballot-boxes were open boxes and those in charge could see the form and appearance of the ballot voted, and they were easily distinguishable apart.

The result of this close supervision of the votes of the operatives by their employers, and the fears which prevailed among them lest they should be discharged, very naturally affected the result in the district in which they voted, and gave to the candidates favored by the employer a large number of votes they would not have received if perfect freedom of action had been allowed to the workmen.

Your committee examined a number of witnesses in regard to the management and manner of voting at Webster, in Worcester County, by the employes of the Slater Manufacturing Company, where several hundred men are employed, a majority of whom were Irishmen, and the proof showed about the same state of facts as existed in Manchaug.

The same was the case at the Douglass Axe Factory, where the agents of the company stood at the door of the election-house, watched every one of the employes who came in, passed him the Republican ticket, and told him it would be to his interest to vote that ticket.

The Boston Elastic Fabric Company employs a large number of hands, most of whom were Democrats, but under the orders of their employer, Mr. McBirney, they were nearly all required to vote the Republican ticket in November, 1878. The foreman of the factory stood at the polls in Chelsea all day on election day between the door and the ballot-box, and required the men employed under him to vote the Republican ticket. Another of the employes was directed to tell them that this was their employer's wish and they must govern themselves accordingly. This was done and the men very generally obeyed the orders given. One testified that he did not and was soon driven out of that employment.

Several cases of individual interference by employers with the freedom of choice by their workmen came to the notice of your committee, none of which were so flagrant in their details as those already given; but there was enough to show that the determination existed to coerce choice by pressing upon the necessities of workmen and operatives.

The State of Massachusetts has a stringent registry law for the registration of voters. All naturalized citizens must produce their certificates of naturalization before the board of registration, and the name of the citizen can only go upon the list of voters after careful scrutiny. The law is a most wise and salutary one, but your committee are compelled to report that its provisions, in one case, were made the means of depriving several citizens born within the State of their right to vote, and



one of them actually took out his naturalization papers. This difficulty occurred at Plymouth, and is thus described by Dr. Shumway, a witness:

In the first place, we had a decision from the board of selectmen that those persons who were born of persons unnaturalized could not be citizens of the United States, and therefore could not register as voters. This was made to operate very injuriously, because most of those who had come of age were young men who were going to vote for General Butler. It so completely demoralized them that some of them said they would not have anything more to do with it. I endeavored to persuade them to hold on. The first intimation I had of it was this: A young man came to me and asked me if I did not suppose that a man born within two rods of Plymouth Rock was a citizen of the United States. I said I had no doubt of it. He said that they had refused to register him, although he was born there, because his father had not been naturalized. I told him I supposed somebody was playing a joke upon him, and he replied that it was a serious matter. I went before the board of selectmen, and found that they had made that decision. I endeavored to argue the case with them, but they said the decision was final; that no one who was born of unnaturalized citizens could be a citizen unless himself naturalized, and that they would not allow any such to register. Some of the men who had been refused on this ground went once or twice to the town-house, and then said they would give it up and wouldn't have any more to do with it. One or two persisted in maintaining what they supposed to be their rights, and finally succeeded. I will state that this decision was made about ten days before the election, I think (the first knowledge I had of it was at that time), and that on the night before the election (Monday evening), at ten o'clock (the polls being opened on Tuesday), the decision was reversed, I understood. The polls opened on Tuesday at a quarter of nine o'clock, and the law is, I think, that after the polls have opened no man shall be allowed to register. As it was my first experience in political affairs, I failed to take the names of those persons. I know of only two who were registered, and do not know of those who were not. I understood that there were some ten or a dozen who were refused registration, but that I do not know positively anything about; that is merely hearsay with me. Another case that I do know of was that of a man who, notwithstanding that he had been born in the neighboring town, went and got naturalized. His name is Alexander Morrison. [Producing the naturalization paper of Morrison, which is appended to this testimony.] This is his naturalization paper. He was born in the neighboring town of Sandwich. One of the men was born within two rods of Plymouth Rock.

Q. State the politics of the selectmen in Plymouth.—A. Four of them were Republicans and one was a Democrat—that is, an Abbott Democrat. The board was practically a unit in the last campaign. It was composed of five members.

The young man, Morrison, who was naturalized, was called in, and testified in substance as follows:

Question. Where do you live?—Answer. At Plymouth.

Q. Where were you born?—A. Close by Sandwich.

Q. Are Plymouth and Sandwich in the same county?—A. No, sir; Plymouth is in Plymouth County, and Sandwich is in Barnstable County.

Q. State the circumstances under which you made application for registration, why you got naturalized, and whether that which is now shown you is your naturalization paper.—A. I went to the selectmen on the same night that Mr. Carr went to them. That was Saturday night. Mr. Bradford, one of the selectmen, asked me why my name was not on the list, and if I had paid my taxes. I told him that I had paid them. He asked me if I was naturalized. I told him I was not; that I was born in this country. He then asked me if my father was naturalized, and I replied that my father was not. He said he didn't see how I could vote, for the reason that my father was not naturalized, but that he would carry the matter before the selectmen at the meeting on Saturday of the next week. I went there shortly afterwards, when he told me that I should not vote because my father was not naturalized.

Q. Did you not get naturalized subsequently?—A. Yes, sir.

Q. How did that happen?—A. Shortly after that, Mr. Hedge, the constable, came to me—it was before the election, though I don't know how long before—and told me I had better go in that morning and get my naturalization papers; that it would probably be my last chance before the election. I then went in and got my papers out.

Q. Before whom did you go?—A. Before Mr. Lord.

Q. Was there a judge on the bench?—A. There was a judge on the bench. I don't know who he was.

Q. Was it Mr. Lord who was clerk of the court?—A. I don't know.

Q. Was it in Plymouth?—A. It was in Plymouth.

Q. Did you have to produce witnesses there?—A. Yes, sir; Mr. Hedge and a young gentleman.

Q. You were sworn, were you?—A. They swore that they had known me ten years.  
 Q. Did you take an oath that you would bear true allegiance to the country?—A. Yes, sir.  
 Q. And that you had renounced your allegiance to the Queen of Great Britain?—A. Yes, sir.  
 Q. That was regularly administered to you before you got your paper?—A. Yes, sir.  
 Q. Then the clerk made out the paper which is here?—A. Yes, sir.  
 Q. What did you do afterwards with the paper?—A. I took it home.  
 Q. Did you go afterwards to the registrars with it?—A. I went with it to the registrar's on the next morning. Mr. Hedge went with me.  
 Q. Mr. Hedge was the constable, and went before the registrars?—A. Yes, sir.  
 Q. What did they do then?—A. They put my name on the registry.  
 Q. Did Mr. Hedge tell them you had been naturalized?—A. I believe he did.  
 Q. Was that the reason you went back there that morning, to get upon the list after having been naturalized?—A. Yes, sir.

The naturalization paper given to this young man, born in the country, was produced, and is in these words:

UNITED STATES OF AMERICA.

(Cut of eagle.)



COMMONWEALTH OF MASSACHUSETTS,

*Plymouth County, ss:*

*To all people to whom these presents shall come, greeting:*

Know ye that at a superior court, begun and holden at Plymouth, within and for the county of Plymouth, on the fourth Monday of October, in the year of our Lord one thousand eight hundred and seventy-eight, Alexander Morrison, of Plymouth, in the county of Plymouth, and State of Massachusetts, born in the town of Sandwich, in the county of Barnstable, Massachusetts, having produced the evidence, and taken and subscribed the oath required by law, was admitted to become a citizen of the said United States, according to the acts of Congress in such cases made and provided.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Plymouth, in said county, this first day of November, in the year of our Lord eighteen hundred and seventy-eight.

[SEAL OF COURT.]

WM. H. WHITMAN, *Clerk.*

Your committee think that this action of the registry board of Plymouth was either a gross outrage upon the sons of foreigners, born within the country, or (taking the most charitable view of the case) the board showed lamentable ignorance of the law, of common sense, and of their plain duty.

The campaign of 1878, in Massachusetts, seems to have been anomalous. For the first time, so far as your committee could learn, ministers of the Christian religion were openly invited to aid in the campaign by furnishing the names and post-office address of their church members, to the end that documents containing the dogmas of a political party might be sent to them through the mails.

A circular in the following form was sent to every clergyman in the State whose name and address could be found from the religious monthlies:

REPUBLICAN STATE COMMITTEE OF MASSACHUSETTS,  
 HEADQUARTERS, 376 WASHINGTON STREET,  
 BOSTON, September 26, 1878.

ADIN THAYER, Chairman. }  
 S. B. STEBBINS, Treasurer. }  
 GEORGE G. CROCKER, Secretary. }

DEAR SIR: In order to enable us to distribute documents effectively, will you kindly furnish us immediately with a list of the male members of your church and parish, and with such other names as you may deem expedient. By so doing you will aid us in saving the honor of our commonwealth.

With esteem, yours,

ADIN THAYER, *Chairman.*

GEORGE G. CROCKER, *Secretary.*

There were a large number of responses, and documents were sent to the names and addresses furnished. Of the character of the documents furnished to the members of the churches, your committee did not learn, but it is fair to suppose that, as the following circular seeks to arouse the alarm and indignation of "Christian citizens," it was forwarded to church members:

REPUBLICAN STATE COMMITTEE OF MASSACHUSETTS,  
HEADQUARTERS, 376 WASHINGTON STREET,  
BOSTON, *September 19, 1875.*

ADIN THAYER, Chairman.  
S. B. STEBBINS, Treasurer.  
GEORGE G. CROCKER, Secretary. }

DEAR SIR: A desperate attempt is being made, under a hypocritical pretense of State reform, to deliver Massachusetts over to the Repudiationists, Greenbackers, and Communists.

This attempt should excite the alarm and indignation of every Christian citizen, and call forth the active, earnest, and persistent opposition of every lover of the fair fame of Massachusetts.

It must be met defiantly and vigorously at once by private and public appeal to the intelligence, honor, and conscience of Massachusetts.

The State ticket nominated by the Republican party stands for public and private honesty and national good faith.

We earnestly invoke your active aid in securing its election, and thus saving the "old commonwealth" from the control of unscrupulous and self-seeking demagogues. Per order of the Republican State Committee.

ADIN THAYER, *Chairman.*

GEORGE G. CROCKER, *Secretary.*

Your committee deem this system of electioneering dangerous and vicious, calculated as well to bring the Christian religion into the mire of politics as to arouse sectarian animosity among the people.

In pursuing another duty enjoined by the senate in Rhode Island this subject of controlling the votes of employes by the employers through fear of loss of work was incidentally examined.

At Westerly, in the southwest part of the State, there are two corporations, known as the New England Granite Company and the Smith Granite Company. They employed in 1876 about 150 men in getting out and preparing granite. Direct influence was brought to bear upon these employes about a week before the Presidential election of 1876 by these corporations issuing a hand-bill and circulating it where the men worked, which stated that the election of Mr. Tilden would be a great injury to their business, and by the concluding paragraph, which declared they would secure *their own* interest by voting against Mr. Tilden. The circular was in these words:

*To all rotors employed by the N. E. Granite Works and the Smith Granite Co.:*

Having become fully convinced that the election of Samuel J. Tilden and a Democratic Congress on the 7th of November will do a great injury to our business, and will also be a national calamity, we do most earnestly advise all voters in our employ to vote the Republican ticket, most especially for a Republican member of Congress. You will by so doing secure your own interest, our interest, and the interest of your country.

The N. E. GRANITE WORKS.  
The SMITH GRANITE CO.

The plain implication from the language here used is that the injury to the business of the corporation would result in loss of employment to the workmen, and it undoubtedly had the effect to intimidate voters.

It was shown that at Hope Village in the Congressional election the Republicans used a colored ballot of a very distinctly marked color, and that the Democratic ballot was plain white. At that time there were a number of Democrats employed in the works who attended Democratic meetings and desired to vote that ticket, but when these men

came to vote on election day, men in the employ of the Hope Manufacturing Company stood at the ballot-box and watched the ballots all day. Some of these Democrats went home without voting, and others declared that they did not dare to vote.

At Woonsocket there are seven or eight large manufacturing establishments usually operating as corporations. They employ many workmen, a majority of whom are of foreign birth, and among the employes are many whose political opinions are Democratic. It was shown that at almost every election for years these men voted under the eye of their employers' agents, who were Republican, and in very many cases under circumstances showing intimidation and fear of loss of work.

The representatives of the manufacturers of Woonsocket are chiefly Republican. The owners are not residents of Woonsocket, but of Providence and other places; but their agents in Woonsocket, as a general thing, and with but one exception, are Republicans. On the day of election they are very active, exceedingly active, in getting in the voters who work at their establishments. They are sometimes carried to the polls in their own private carriages, and sometimes in carriages hired by the party. They are usually met at the entrance to the hall by men in the employ of those corporations, who will present the voters, as they are marched in, with ballots. They are followed, in many cases, from the entrance to the hall to the ballot-box, and watched until the ballot is seen to be deposited in the ballot-box, so that there may be no opportunity for them to change their ballots and take others.

One witness described the acts which he thought amounted to intimidation, in this language:

On the night before the last Congressional election, parties who we know are Democrats came to me and told me they were afraid to vote the Democratic ticket openly; that they wanted me to get them some ballots so that they could vote if they got down; that their overseers were watching them; that the Republican candidate, Mr. Ballou, was a heavy stockholder in the corporation, and they expected to be bulldozed, as they stated it. I had letters from two parties requesting me to leave the ballots, so that they could distribute them among the help the next morning before seven o'clock. We thought it would make a difference to us of thirty or forty votes if those men voted our ticket. I do not think that this intimidation is carried on in all the mills there; there is some difference between them in that respect; I think that in the Social Company's mill we get as many Democratic as Republican votes. As has been stated by others, there is a man there named Sampson who makes himself very officious on election-day, who takes care of the voters as they come up. From the Woonsocket Machine Company, at the last Congressional election, they had their overseer posted about two feet from the ballot-box, and he was handing ballots to the operatives as they came up to vote. His name is Charles A. Chase. I remember now a party who did work for the Woonsocket Machine Company, who told me, shortly after the election, that he was going to lose his position, and he did lose it. About a month after that they discharged him because he would not peddle Republican ballots in the shop.

Another witness described it thus:

I have known men employed in the Woonsocket machine shop to be marched up, in the hall, in squads by a man named Chase, who had some position there—I do not know whether it was that of engineer or what it was—and compelled to hold their hands up with the ballots in them, in this manner. [The witness elevated his right hand to a level with his head.] They walked along and he went with them, watching them until, as each man dropped the ballot in, he took his eye off the men. At the last Congressional election I saw him march up two squads from the machine shop. I know one man up there who, at the same election, informed me that he wanted to vote the Democratic ticket, but was obliged to vote the Republican ticket, because he had been given to understand that it would be for his interest to do so. His property was mortgaged, and a party who ran on the Republican ticket controlled, or his intimate friend controlled, the mortgage at the time. The man was afraid to vote otherwise, he informed me. They have come to me, for instance, and to other Democrats in my hearing and sight and said "We want a ticket." This was the evening before the election. And they gave us a ticket and said that they had to carry it or they would lose their job. There is a strong feeling in their minds that if they do not vote the ticket that is given to them by their employers they are liable to be turned off, that they are spotted, and, if anybody is turned off, it will be them. These employes who are Democrats, who have been furnished with tickets or who say, "We shall be furnished with a ticket by the boss of the manufacturing company's agents," come to our headquarters

and say, "We want a ticket in our pockets that is of our kind, so that we can vote it if we change it for the other." Well, the employers have found that they were being cheated by the men; that the men, in spite of their convincing advice, had got the tickets that they wanted to vote and had put them in. That accounts for their compelling the men to hold their hands up. They give them their ticket when they get out of the carriage and compel them to hold it up in their hands as they march along through the crowd.

It was shown that in the tenth ward of Providence, at the Presidential election of 1876, the time-keeper employed by The Corliss Steam Engine Company was at the polls with his book, and as every man working for his establishment would cast his ballot he would check his name or write his name down upon the book. He was not there as an official of the election. He would watch to see which way a man voted and then take memoranda in his book. Employés complained of this and said they were afraid to vote. The ward was largely Democratic and this action produced disturbance on the part of citizens who sought to have the time-keeper removed because the employés of the Corliss Steam Engine Company were afraid if they voted their principles they would be discharged from the works, and he was finally removed from the place. This company employed several hundred men at that time.

Your committee was instructed "to inquire and report whether it is within the competency of Congress to provide by additional legislation for the more perfect security of the right of suffrage to citizens of the United States in all the States of the Union." They have performed that duty, and while they find that improper practices, as hereinbefore detailed, exist in the States visited, and the freedom of choice by voters in those States has been interfered with, and persons practically threatened with dismissal from employment if they voted in opposition to the wishes of their employers, yet they cannot find that it is within the competency of Congress to correct this wrong by additional or any legislation, but that, on the contrary, the remedy therefor is to be found with the law-making power of the State in which the wrong is perpetrated. Wrongs upon the ballot or interference with the right of suffrage or with the modes of qualifications of the voter are questions which are to be corrected and controlled by the States, and not by the Federal Government. Suffrage is under the control of the States, and not of the Federal Government. The latter has no voters of its own creation, it cannot define who are voters, it cannot qualify voters, nor can it protect voters from wrong by inflicting punishment upon those who compel them to improperly exercise their right of suffrage. It may punish for crimes committed in regard to the *manner* of voting, but an offense against the *right* itself must be punished under State law, and not by Federal statute.

The "civilized bulldozing" which we find to have existed in the ancient and honored commonwealths of Massachusetts and Rhode Island is an evil which the people of those States must themselves correct, and your committee feel that in bringing the facts to the public gaze they will help to strengthen a sentiment already in existence, and aid in crystallizing it into such statutory enactments of those States as will correct the evil or punish its repetition.

Mr. BLAIR submitted the following as the

## VIEWS OF THE MINORITY:

The minority of the Select Committee appointed to Inquire into Alleged Frauds, &c., in the Recent Elections report as follows the result of their investigation in Massachusetts and Rhode Island as to the alleged intimidation of voters in those States.

On the 17th day of December, 1878, the Senate passed the following resolution:

*Resolved*, That a select committee, to consist of nine Senators, be appointed by the Chair to inquire and report to the Senate whether at the recent elections the constitutional rights of American citizens were violated in any of the States of the Union; whether the right of suffrage of citizens of the United States, or of any class of such citizens, was denied or abridged by the action of the election officers of any State or of the United States, in refusing to receive their votes, in failing to count them, or in receiving and counting fraudulent ballots in pursuance of a conspiracy to make the lawful votes of such citizens of none effect; and whether such citizens were prevented from exercising the elective franchise, or forced to use it against their wishes, by violence or threats, or hostile demonstrations of armed men or other organizations, or by any other unlawful means or practices. The committee shall also inquire whether any citizen of any State has been dismissed or threatened with dismissal from employment or deprivation of any right or privilege by reason of his vote or intention to vote at the recent elections, or has been otherwise interfered with.

And to inquire whether, in the year 1878, money was raised, by assessment or otherwise, upon Federal office-holders or employes for election purposes, and under what circumstances and by what means; and, if so, what amount was so raised and how the same was expended; and, further, whether such assessments were or not in violation of law.

And shall inquire into the action and conduct of United States supervisors of elections in the several States; and as to the number of marshals, deputy marshals, and others employed to take part in the conduct of the said elections; in what State or city appointed; the amount of money paid or promised to be paid to them, and how or by whom, and under what law authorized.

*Resolved*, That the committee be further instructed to inquire and report whether it is within the competency of Congress to provide by additional legislation for the more perfect security of the right of suffrage to citizens of the United States in all the States of the Union.

*Resolved*, That in prosecuting these inquiries the committee shall have the right, by itself or by any subcommittee, to send for persons and papers, to take testimony, to administer oaths, and to visit any portion of the country when such visit may, in their judgment, facilitate the object of the inquiry.

This committee was created by reason of the loud and general complaints of frauds, intimidation, and heinous crimes alleged to have been committed in certain of the Southern States at the national elections in autumn of 1878, whereby a fair expression of the will of the people was prevented and the exercise of the constitutional rights of American citizens in the elections was denied or abridged, and in many cases the suffrage itself totally destroyed.

In pursuance of the terms of the above resolution, the committee proceeded to Louisiana, Mississippi, and South Carolina, the States which common fame designated as the proper theaters of investigation; and after taking some fourteen hundred printed pages of testimony, all relating to the Congressional elections of 1878, reported to the Senate the result of their labors, at the same session, in the month of February,

1879. It is unnecessary here to particularize the facts and conclusions embodied in that report, inasmuch as they are before the Senate. It is sufficient for our present purpose to say that the report of the committee, which is overwhelmingly sustained by the testimony accompanying it, constitutes a record of disgrace and crime at which patriotism must blush so long as we pretend to be a free people, and at which human nature will shudder for all time. A remarkable fact was developed by the investigations in the above-mentioned States, to wit, that those offenses and wrongs, with no material exceptions, were committed in the interest of the Democratic party and upon the rights of Republicans. They seemed to constitute a continuation of the recent history of that section of the country in which they transpired; and but for the circumstance that the public ear has become dull and the public conscience callous to the calls of duty by reason of their repetition, something would ere now have been done about it.

As it was, however, the report of the committee did not appear to be of much consequence. It would probably have created a sensation in any respectable despotic country. In America, however, it did not seem of special importance that republican government had been destroyed by fraud and violence in so far as the choice of a considerable portion of the national House of Representatives was concerned, its political complexion thereby changed, and the policy of the government greatly modified, if not wholly reversed.

At the called session in March, 1879, the Senate having become Democratic, the committee was reconstituted, and, rather than from any other cause, apparently from the necessity of political reprisal, proceeded, during the sultry season to make patient and microscopic examination of the workings of the alleged free institutions of Massachusetts and Rhode Island, both of which States were complacently cherishing a flattering belief in their political uprightness, and had hitherto been generally supposed to be the homes of law-abiding, prosperous, and happy populations.

It is, perhaps, not too much to say that their actual condition is such that, for ordinary inspection, both these States might have appeared respectably well, and the workings of republican government therein not wholly unworthy of the descendants of Roger Williams and of the Puritans. But, without claiming any of the merit to themselves, the minority of the committee deem it only just to say that if these ancient and hitherto honored commonwealths have suffered severely in the report of the majority, and consequently in the estimation of mankind, it may not be because they are really so much worse than they have been hitherto supposed to be by themselves and others, but rather because they have been subjected to the criticism of a political conscience, formed on the superior ideals which prevail in States with which the majority may be more familiar, and in the practices of a political party which seldom is responsible for the administration of free institutions in either of the inculpatated States. If they have failed to come up to the exalted standard by which a majority almost morbidly acute and sensitive in its requirements has tried them, it is not wholly a matter of surprise, nor should their future be considered wholly eclipsed in despair. There are many kind and encouraging words in the report of the majority which should stimulate these stricken and degenerate States in the great work of general political reformation. Notwithstanding the fact that they have been found guilty of the novel offense of "civilized," and, it may be, in some gross cases, although the committee leniently omit to charge it, even of *enlightened* "bull-dozing," and of indulging in a "system of electioneer-

ing dangerous and vicious, and well calculated to bring the Christian religion into the mire of politics," the committee feel that in bringing the facts to public gaze they will help to strengthen a sentiment already in existence, and aid in crystalizing it into such statutory enactments by those States as will correct the evil or punish its repetition.

"Kind words can never die," especially those of the great and good, and it is not easy to estimate how profound and powerful will be the influence of these wise and kindly admonitions in the dark days of fearful struggle which must intervene before Massachusetts and Rhode Island emerge from the slough into which they have fallen and attain to the high standard whereunto to they must attain in order to satisfy the majority. No doubt these two States were selected because of their special perversity. The minority cheerfully bear testimony that in their belief the fact that the weather was very hot in other parts of the Union, while the delights of the sea and of the shore were ever at hand in the doomed States, had nothing whatever to do with their selection. It was simply because they deserved exposure. They have been exposed. The committee has found the facts against them, and there is a complete offset to the political crimes which have so often been demonstrated to constitute almost the natural order of things in some unfortunate localities in other States—now, thank heaven, in our belief, passing away—in the proven disgrace and sin of these pretentious sisters in despised New England.

The minority of the committee does not, however, join with the majority in its findings as to the matters of fact proved by the evidence before the committee. On the contrary, we deny that one single allegation of fraud, misconduct, "civilized" or uncivilized "bulldozing," or intimidation, or attempted intimidation, or political misconduct of any kind on the part of any Republican, or any employer or manufacturer, or any person of any party, either in the State of Massachusetts or Rhode Island, was proven before the committee. No doubt some abuses may exist, since these States are in this world, but any impartial person will say that the committee did not find them. The conclusions of the majority are not in accordance with the facts. Not only were none of these charges proved; on the contrary, so utterly were they exploded by the intrinsic weight of evidence before the committee that no impartial man who reads the printed evidence can contradict this assertion.

We propose to follow the various findings of the committee specifically.

#### MASSACHUSETTS.

Certain affidavits which originated in some inscrutable manner and got into the hands of the committee by a miracle were their chart of crimes in the old Bay State. The campaign preceding the State and Congressional election in November, 1878, was one of exceptional activity and bitterness. Certain financial theories were in issue which aroused all classes of her citizens with apprehension for the industrial and social stability as well as the prosperity and honor of the commonwealth and of the whole country, and the Democratic party, under the leadership of a great man beloved by many for eminent services to his country when in supreme peril, whose dominating abilities re-enforced by the incendiary appeals and cognate doctrines of a boisterous and fanatical agitator from the far West, seemed likely to sweep the State away not merely from its ordinary political moorings, but far out upon the stormy waters of repudiation, communism, and ruin. A trifling



faction of the Democracy endeavored to oppose the irresistible tendencies among the masses of the party, but, while the spirit was willing, numerically they were not important.

The contest became practically a contest between the Democratic party, led by General Butler and what he voiced and represented on the one hand, and the Republican party on the other. The result, after an extraordinary campaign, was the defeat of the Democracy and a triumph of the conservative and enlightened forces of the commonwealth, a triumph at the polls as necessary in the estimation of a majority of the people of Massachusetts for the good order of society as that at Bunker Hill for its establishment one hundred years ago.

This apprehension of the fundamental nature of the issues involved alarmed the manufacturers as well as the clergy, educators, and others who seldom pay much attention to political affairs, thereby incurring a degree of criminal responsibility which they hardly realize and for which they are always ultimately punished by convulsions from which they deservedly suffer the more severely because they have more at stake than others. These classes are apt to be more selfishly absorbed in their personal interests than even the despised politicians, to say nothing of the masses of their countrymen who endeavor to discharge their political duties as well as to avail themselves of the advantages of a just administration of the laws. In due time everybody in the State was aroused to a pitch of zeal and activity rare anywhere, and which stirred up the old commonwealth in a manner most delightful and refreshing to those adjoining communities among whom the struggles of self-government had long been a serious matter.

Under these circumstances it would have been pardonable if there had been an occasional slip on the part of a proud and dignified people who had hardly felt the necessity for making a political effort for twenty years, but we aver that after the most microscopic examination of the whole State, and most strenuous effort of the majority to prove a multitude of wrongs on the part of Republicans, there has not been a single act of political impropriety established by evidence which could be the foundation of a just verdict for the plaintiff in a civil suit involving the most trivial pecuniary value. The efforts of the committee were only directed to establish some act of political omission or commission on the part of Republicans, and therefore it is unnecessary to speculate upon the probable result of an investigation impartially directed against the conduct of the Democratic managers in that campaign. The majority say that "the specific allegation was made that employers of labor in Massachusetts and Rhode Island coerced their employes to vote as the employers wished, and that deprivation of employment was the penalty of refusal so to do." Thereupon they say that among the data submitted in proof of that allegation was a circular (anonymous), which was in these words:

DEAR SIR: Your co-operation with the Massachusetts Republican State Central Committee is most earnestly requested. It is in your power, by the authority you can exercise over those employed by you, to maintain the honor of Massachusetts, and keep it out of the hands of spoilers and political knaves who have selected General Butler as their candidate. His election would disgrace our State and ruin our standing at home and abroad. A thorough canvass of those you employ, and an early report to the secretary of the Republican State Central Committee, will be thankfully received.

Thereupon the committee observe that it was proved to be untrue that this was issued by authority of the Republican organization, and that its origin could not be traced, &c., and they conclude by saying that "it seemed to the committee to be a trick of partisan politics, originating with some irresponsible person and *productive of no evil result to any workman.*"

Why, then, the committee should have paraded this document thus prominently at the head of their report seems really unaccountable.

In our opinion, the *whole* truth is irresistibly shown to be that it was a trick of the Democracy to create the impression that Republicans were resorting to unjust and infamous means to carry the election, and by pretended exposure to excite the indignation of fair-minded people and thereby increase the Democratic vote. (See testimony of George G. Crocker, p. 78 and following, of the evidence.)

The evidence which demonstrated that the Republicans were not responsible for this circular, as reported by the majority, also proved quite as clearly that it was a very cheap and contemptible trick of their opponents, and the minority only regret that the majority forgot to say so in their report.

Much stress was laid in the hearing upon the fact that there was a political meeting of manufacturers held at the Parker House in the city of Boston during the canvass of 1878.

It seems to have been on the whole a most respectable and patriotic gathering, and productive of much good. We commend the evidence in regard to it to the earnest perusal of business men and prominent citizens of all parties. That meeting was a model of political action, and Adin Thayer, who originated the meeting and thereby raised the dead to life and saved the State of Massachusetts in a great political crisis, deserves the immortality which his speech on that occasion, if he gets justice, will insure to him. (See his testimony in full, p. 92.)

Indeed, the secret admiration of the majority must have been excited, for they fail to condemn, although they chronicle the fact that there was a meeting at the Parker House. "But," they say, "there was no proof that any arrangement was then made to coerce employés or exercise any influence upon them. Indeed, it was expressly denied by the testimony." This is quite incorrect, for the evidence expressly shows that the great object of the meeting was to exert all the good influence possible upon employés and everybody else in the commonwealth, and the success of the meeting was very marked and its influence great upon the result of the campaign. It is the duty of every political party which has any faith in its doctrines to hold just such meetings, and the more of them the better in every important campaign. The minority commends them as one of the true methods of preserving the republic.

There was a like meeting held at Worcester, which was a decided success and greatly to the credit of all who participated. Its deliberations appear to have been patriotic and honorable, and its action and influence in every regard commendable. Many falsehoods were circulated by their opponents as to the character and objects of the meeting, for the purpose of exciting the prejudice and hostility of workmen, whose known independence of their employers in all the Northern States, and especially in Massachusetts, makes them peculiarly liable to be influenced by any real or supposed interference with their rights, and some of these falsehoods were rehearsed before the committee by those who heard them floating among the populace, but the evidence of those who were present, comprising some of the most upright men of this whole country, abundantly proved that nothing save malice could torture the purpose or the action of these men into anything not commendable in the highest degree. It was simply the discharge of a first duty of a free citizen, and entirely free from any approach to intimidation or undue influence upon others.

There was some complaint that it "dampened the ardor" of the employés, &c., but the weight of the evidence is overwhelming that it was

simply the cooling-off process of returning reason which reduced the Democratic enthusiasm, and that upon sober second thought the intelligent workman realized the unity of his interests with those of the employer, and that their harmonious action was indispensable to mutual prosperity. Indeed, the committee, while quite determined apparently to begin here, since they must commence somewhere, and condemn this Worcester meeting of a few gentlemen who saw their legitimate business threatened with destruction and themselves and their workmen likely to be involved in a common ruin, have to say (or invent a conclusion which all the evidence contradicted) that "there was no case brought to the notice of your committee in which a conspiracy or unlawful combination to coerce voters was disclosed."

It would be unpardonable to waste time (unless while idling away a summer vacation) in the further effort to vindicate the character of this meeting. We only refer to the evidence at large and to these words of Mr. John D. Washburne, the moving spirit of the occasions (see p. 104):

Q. Was it not the reflex of your purpose to have these gentlemen exercise their influence upon their employes?—A. I should not say it in that way. It was for them to exercise their influence—excuse me for saying it again—exactly as they might have influence upon people who were or were not employed by them.

Much stress is placed upon a free-lance slip caught flying among the fuss and feathers of the campaign from the Boston Herald, an able paper, whose hand—apt to be a powerful one—is usually against all parties, being, in fact, as one of the witnesses summoned by the committee described it in his testimony, its own organ (p. 115):

Q. Have you known of the Boston Herald for many years?—A. I have known of it; have frequently read it; but have not been a regular subscriber to it.

Q. What do you understand its politics to be?—A. I think it is very difficult for anybody to understand what its politics are.

Q. And then it is rather its own organ than anything else?—A. It is its own organ.

Q. Rather than a party organ?—A. I think so as a rule.

The offensive article is as follows (p. 114):

[NOTE.—The newspaper cutting was here offered in evidence by the chairman. It is as follows]:

There will probably be a good deal of "bulldozing" done in Massachusetts this year of a civilized type. The laborers employed by General Butler in his various enterprises—mills, quarries, &c.—will be expected to vote for him or give up their situations. The same rule will hold good on the other side. There will be no shot-guns or threats. Everything will be managed with decorum, adorned by noble sentiments. But the men who oppose Butler employ three-fourths, if not seven-eighths, of the labor of the State. They honestly believe that Butler's election would injure their property. They know that idle hands are waiting to do their work. It is not to be expected that they will look on indifferently and see their employes vote for a destructive like Butler. Human nature is much the same in Massachusetts and Mississippi. Only methods are different. Brains, capital, and enterprise will tell in any community. It is very improper, of course, to intimidate voters, but there is a way of giving advice that is quite convincing.

This anomalous term, "civilized bulldozing," which appears to be adopted with a certain degree of satisfaction by the committee, as well as the other expression, "convincing advice," is utterly without significance in view of the fact that not one single case of intimidation by either political party was proved before the committee.

There was testimony by defeated Democratic manipulators of voters that men upon whose votes they had relied either cast them some other way or did not vote at all. But in the complete absence of reasonable proof of the use of any unlawful or improper means to influence the action of the voter, we submit that these charges are evidence of the perfect freedom of choice among all classes rather than of coercion among any; and

when it is further considered that by the Herald's authority, relied upon by the committee, "three-fourths, if not seven-eighths, of the labor of the State" was employed by the men who opposed Butler, and that notwithstanding in a State Republican by 75,000 majority upon a square vote between the great parties of the country, the Democratic candidate came within 15,000 votes of an election upon the most dangerous issues ever advocated in the State, we submit that the talk of "bulldozing" and "convincing advice" appears to be unworthy of the slightest attention. These are empty phrases, unworthy of appropriation in any but the cheap literature of a hot political campaign.

The case of the Manchaug Manufacturing Corporation, in the county of Worcester, was cited as one of those in which the policy of "civilized bulldozing" was pursued; and the committee select it as their leading case, illustrative of the general depravity of the manufacturers of the State.

Manchaug is a small manufacturing village in the town of Sutton. The corporation own the mills and tenements, there being no occasion apparently for inhabitants there except to carry on the industry prosecuted by this company, by which both they and the company have become prosperous and happy. The owners reside out of the State, and appear to care nothing whatever about the politics of their employés. Even Charles Chase, whose testimony is quoted below, could not inform the committee of the politics of one of the owners, although they visited the mills several times a month. They employ about one hundred and fifty adult males, of whom about one hundred are voters, and perhaps two-thirds of these are Democrats. Charles H. Chase is bookkeeper, now a Republican, and was a Democrat before the war.

Mr. McArthur, the agent, is a Republican. The overseers are equally divided between the two parties.

It is alleged that an effort was made to remove one Kennedy (who was not in the employment of the corporation) from one of its tenements, for political reasons; that his son, who was employed, was notified to quit work, and did so; that the corporation refused to let its hall for the use of a Butler meeting; that the workmen were provided with Republican tickets at the works, hauled in wagons to the polling-place (five miles from the mills), and voted under the direct supervision of McArthur, Chase, and Knox, and sundry other "civilized bulldozers"; and so on to some length.

The committee, in their report, do not state the fact that Chase, McArthur, and Knox were officers of the town as well as employés of the corporation. When those employés constituted most of the inhabitants of the town, it would be strange if some of them were not leading citizens and public officers also.

The father, Terrence Kennedy, and his son Frank, who had shortly before testifying escaped prosecution for embezzlement by the attorney-general of Connecticut, where he was then residing, because the alleged crimes were committed in another jurisdiction (see testimony of Milton A. Shumway, p. 441), the objectionable character of both witnesses being quite apparent from the testimony, are chiefly relied upon by the committee to establish the grave charges of the report against a large array of reputable citizens, several of them being Democrats living in the village, participating in the campaign, and in some instances themselves employés of the corporation. That the names of the Kennedys do not appear in the report of the committee is certainly quite judicious, as in the light of the other evidence and of the not limited notoriety of these witnesses in at least two of the New England States, the conclusions of

the committee, founded upon their statements, would be subjected to some degree of derision, in spite of the profound respect which people ought to cherish for the opinion of distinguished members of this body.

The evidence rebutting the statements of these irresponsible witnesses is voluminous, irrefragible, and overwhelming. It should be quoted in full, but this is impossible. We can do little more than to refer to the testimony of Charles H. Chase, Robert McArthur, Benjamin L. Bachellor, a Democrat and clerk of the town of Sutton, where the Manchaug Mills are located; John R. Humes, one of the town assessors, also a Democrat; George Hastings, who has been elected to the three offices of treasurer, collector, and constable for twenty-five years in succession, a Republican in politics, but chosen by the suffrages of both parties, and one year elected by the Democrats in opposition to the Republican candidate; Wilder S. Holbrook, a country merchant and chairman of the Democratic committee in 1878; Frederick B. Smith, one of the selectmen in 1877 and 1878; Edgar H. Stevens, for six years an employé of the corporation, and who with many of his fellow-workmen voted for General Butler, and some others. These witnesses prove, together with much more relevant matter, that the members of this manufacturing company all live in Providence, R. I.; that although one or more of them visited their property several times weekly, yet they were never known to mention the subject of politics to their employés, and even the book-keeper, Mr. Chase, did not know the political sentiments of the owners of the mills; that the men voted either an open or sealed ballot, as they chose, the law making full provision for so doing, and that the exercise of the privilege was facilitated in the amplest manner, and that there was no watching or interference with perfect freedom of action at the polls by any one; that, the mills and polls being some five miles apart, the men rode in the wagons of the corporation, all parties being carried indiscriminately; that a Republican and the chairman of the Democratic committee stood side by side distributing ballots at the polls; that the workmen discuss politics in the mill with entire freedom; that half the overseers are Democrats, and that they advocate their sentiments freely among the hands, as do the Republicans; that nothing was ever done by any one connected with the mills to interfere with or prevent any political meeting of any party; that in no way, directly or indirectly, was any man given to understand that he must vote for or against any candidate or party; that although the corporation was short of tenements for the accommodation of its workmen, yet they had allowed one of their best tenements, which would accommodate a family having several operatives in it, to be occupied for more than three years by this Terrence Kennedy, although he did not work for them himself, and had only one child who did; that he was requested to surrender the tenement only because the corporation seriously needed it, and that he had relatives in the town, and there was no difficulty whatever in his finding other places temporarily until after the election; that he had been talking of moving for a year until the corporation found that he was not likely to go without pushing; that he called on Mr. Chase one Sabbath morning to discuss the matter, prolonging his stay some two hours or more, and preventing Mr. Chase and his wife from attending church in the morning, which they were anxious to do, and using much irritating, insulting and profane language himself, but there does not appear to have been any such reply by Mr. Chase as Kennedy swears to, although it is to be hoped from the state of mind indicated by the evidence that both of them attended service in the afternoon; that Kennedy did remain in the house until after election, and that he was told by Mr. Chase that

he could remain and vote, so far as that was concerned; that many Democrats lived in other houses of the corporation, but that no one was ever discharged or threatened for political reasons; that not the slightest "pressure" was put upon the hands or upon any one in the mills to make them vote one way or another; that Kennedy's son left some three or four months before the election, and from no cause connected with it. In regard to the use of their private hall being denied to the Democrats for the purpose of holding a Butler meeting, it was proved that the Democrats well knew they could have the hall by requesting it of the agent, through the regular officers of the Democratic party, but that they purposely sent a personal enemy to Mr. McArthur, the agent, so that as the Butler Democratic witness, Edgar H. Stevens, said, "it would be refused." The party said, "This will be a good point for us to make; that is, we will ask for the hall, and we will get refused, of course." "They knew they would be refused at the time."

Question. It was done as a matter of policy to make a little capital?—Answer. Yes, sir.

The meeting was held in a public hall over a barn, where meetings had been held for a number of years—in the only public hall in the place. It was further proved that Robert McArthur, the agent, was himself a very moderate partisan, generally voting for the best men without regard to party in local affairs, never discussing politics with the employes, nor giving them the least instruction as to "politics of the State" or the part they should take; that he took no special interest that year; that he gave no instructions to any one, and there was no concert between him and the bookkeeper, Chase, or any one, as to what they should do in the election. Mr. McArthur gives this account of his refusal to let Mr. Waters have the use of the company's hall:

Mr. Waters is a man who is very obnoxious to me, \* \* \* that was the principal reason why we refused the hall. Some time after that a party waited upon me and stated that they would like to have the hall to hold a Democratic meeting in it. I told them they could have it, without telling me who was to be one of their speakers. They wanted to know what the expense would be. I told them that there would be no expense; that if the people of our village wished to hear them speak, I would light the hall, heat it, and give them the free use of it.

The committee "must say" that the proof showed about the same state of facts which existed in Manchang to have been true of the Slater Manufacturing Company, located in Webster, Worcester County, but cite no evidence.

It is sufficient to say, under these circumstances, that there is no evidence, comparatively, to sustain the finding of the committee, while from workmen and employers, Democrats and Republicans, Protestants and Catholics, the charges made against this company were completely disproved.

The Douglas Axe Factory is next assailed, and it is charged that the agents of the company stood at the door of the election-house, watched every one of the employes who came in, passed him the Republican ticket, and told him it would be to his interest to vote that ticket.

It is not very apparent how it could do any harm to watch for a good opportunity to tell the truth to any man, whether he worked for the Douglas Axe Company or not; but if it is meant that any one connected with that company "watched" the workmen in an illegal or improper way, or intimidated any one or attempted to, then the reliable and superabundant testimony before the committee is completely ignored.

It was also charged that the Boston Elastic Fabric Company employed a large number of hands, most of them Democrats, but, under the orders of their employer, Mr. McBirney (who, fortunately for the false witnesses

who sought to defame his memory, died a short time before they testified), were nearly all required to vote the Republican ticket in 1878, and one man said he did not and was soon discharged. He admitted, however, that he worked two months after election; that great fault was found with his work, and that his overseer said he "had no brains."

Question. That made you angry, did it not?—Answer. It did; it made me so that I left him.

This Mr. McBirney was president of the company, and appears to have been a very honorable and benevolent gentleman, no partisan at all, and really solicitous of the welfare of his workmen and their families. We therefore, as an act of simple justice to his good name, transcribe the testimony of Thomas K. Sullivan in full, the man who is said to have carried the threats of Mr. McBirney to his employés (p. 438, direct, in full):

THOMAS SULLIVAN sworn and examined.

By Mr. BLAIR:

Question. Where do you live?—Answer. At Chelsea.

Q. How long have you lived there?—A. Ten years.

Q. For whom have you been working?—A. For the Boston Elastic Fabric Company.

Q. What is your position in their employ?—A. Making tubing, springs, and so forth.

Q. Have you charge of any of the help?—A. No, sir.

Q. How long have you worked for them?—A. Somewhere about nine years.

Q. Who was Mr. McBirney?—A. He was the president of the company.

Q. Is he living?—A. No, sir.

Q. When did he die?—A. About six weeks ago, I understand.

Q. Did you ever say anything to the help in the employ of this Elastic Company in regard to their voting last fall, or give them any word as coming from Mr. McBirney?

—A. I did.

Q. Go on and state all that you said to them.—A. He told me that he never took act, part, or hand in politics before; that he was an old man; that he had some 300 or 400 families to support from the factory, and that they were doing very well now; that if the help respected him, they would vote for Mr. Talbot; and he said, "I want you to understand there will be no man discharged from here, no matter how you vote." I told the help so, some of them.

Q. Did you tell them as to his desire that they should vote for Talbot, but that if they did not vote for him no man would be discharged?—A. Yes. I didn't tell all the men, but I told a great many of them.

Q. Did you tell them all of that which Mr. McBirney said to you?—A. I did.

Q. Did you tell a part and leave out the part that no one would be discharged?—A. No, sir.

Q. What are your political sentiments?—A. Democratic.

Q. Was there a Democratic organization among the help of Mr. McBirney's establishment?—A. A great many of the men are Democrats.

Q. Do any of them belong to any Democratic club?—A. Not that I am aware of.

Q. Did any of them vote for Butler?—A. There was and is now a Butler club there. Men belonging to the Butler club are working in the mill now and have been all the time since it began.

Q. Were any men discharged from the mill on account of their voting?—A. No, sir; not a man.

Q. Was there any feeling that any of them would be discharged if they voted as they pleased?—A. Not a bit; none whatever.

Q. Do you not think that the men in the employ of this Boston Elastic Company voted just as freely as the men who were not in any employ?—A. Just the same. I know that I did. I voted for Mr. Abbott.

By Mr. McDONALD:

Q. Repeat, if you can, what Mr. McBirney told you to say to the men.—A. He told me to say to the men that it would be his wishes and for the benefit of the company to vote for Mr. Talbot, but that they could vote as they pleased, and there would be no man discharged from the works, no matter how they voted.

Q. What did he say about 300 or 400 families?—A. He said there were 300 or 400 families that got their support from the mill.

Q. And that they were doing well then?—A. Yes, sir.

Q. He told you to tell them that?—A. O, no; he didn't tell me to tell them that.

Q. He did not tell you to tell them that there were some 300 or 400 families who got their support from the mill, but he told you to tell them that it would be for the benefit of the company and that the company was doing well then?—A. Yes, sir; that it would be for the benefit of the company and that the company was doing well then.

Q. Did he not say that the election of Butler would be very injurious to their interests?—A. He did.

Q. And might affect these 400 families?—A. Something like that.

Q. That it might turn them out of house and home, if business turned the other way?—A. Something to that effect, I suppose.

Q. And on that account he wanted you to communicate the fact to them that it was his desire they should vote for Talbot?—A. Yes, sir; that was his wishes, that they should vote for Talbot.

Q. Didn't the men obey his wishes in that respect?—A. I couldn't tell you, for I don't know how they did vote. I only know that they all voted freely, just as they liked.

Much ado has been made in regard to a droll case, of the attempted naturalization of a native by the clerk of one of the courts (not by the court itself) within about two rods of Plymouth Rock, the circumstance about the *Rock* being for some reason deemed quite important by the committee. A question arose before the selectmen as to whether the native-born son of an alien could register and vote without naturalization by the courts. Two lawyers, one of them, Hon. Charles G. Davis, a leading Democrat, and the other, Mr. Lord, a Republican, said "*no*." Accordingly, a certain young man named Morrison got the clerk of court to fix him up into a proper American citizen, and to give him a good nice title-deed to citizenship, a full copy of which oddity the committee has enrolled at length in its report. But the small boys on the street knew better than all this, and stirred things up so lively that the two lawyers, the board of selectmen (one of them a good Democrat), the clerk of court, and others were finally, after a deal of fuss, in some way enlightened, and, seasonably, before election, reversed their ruling, gave notice thereof, and put on all the names which had been rejected, and we believe General Butler got the vote of every one of them.

The committee have been moved to great sorrow over this case. It had seemed to the minority rather ludicrous than otherwise, but knowing the tears which it has cost the committee, and that their grief cannot properly be assuaged until the use of documentary literature for the ensuing campaign is over, out of profound respect for our colleagues, we commend this whole subject to the serious contemplation of a great people jealous of their liberties.

The truth is that we are, as a committee, easily aroused by all irregularities touching naturalization papers, and inclined to think this to be a Know-nothing trick. There does not seem to be any reasonable excuse for a board of selectmen, the majority of which was Republican, and who might have got good law on this subject from any intelligent school-marm in the town, being even temporarily misled by a Democratic lawyer. Still, we do not see why this event should be thus perpetuated, along with the Landing of the Pilgrims and other things of historic importance.

Again, Adin Thayer issued a circular asking the ministers to send him the names of the male members of their churches, so that he might forward useful documents to them at once, and so aid in saving the honor of the commonwealth. The worst feature of this business was, however, not that Mr. Thayer failed to call for the names of the female church members, which, if they could have voted, would have been to some purpose, but that even as it was "*there were a large number of responses and documents sent to the names and addresses furnished.*" The indignation of the majority of the committee is natural and excusable.



for there seems to be a certainty that people who read the Bible and worship God will, if they get stirred up much, always vote the Republican ticket.

Mr. Thayer also sent a circular direct to "Christian citizens," and the committee quote it entire with strong disapprobation. It must have been very damaging to the Democratic party, as any one can see by reading it. Whatever is calculated to arouse "Christian citizens" should be carefully suppressed, and will be if the majority can have their way. Clergymen and Christians have generally done great harm to the Democratic party, and no doubt they were the head and front of that "civilized bulldozing" which has aroused the ingenuous and patriotic indignation of the committee.

#### RHODE ISLAND.

In this State, as in Massachusetts, there was only the most shadowy and unreliable evidence of intimidation, and in every instance where it was alleged with any tangibility it was thoroughly contradicted by the best men of all parties.

As though in apology for their utter failure, the committee, in commencing their report upon this subject in Rhode Island, say that, "*in pursuing another duty*, this subject of controlling the votes of employes by employers, through fear of loss of work, was *incidentally* examined."

On the other hand, a perusal of the volume of evidence accompanying the report will show that this subject was quite as fully investigated by the committee as any other. As in Massachusetts, the local managers of the Democratic party evinced no lack of zeal to besmirch the character of their people, provided that the responsibility could be attributed to the Republican party; and when a committee of the Senate, armed with national process and led by the great capacity and enthusiasm which have stimulated this investigation on the part of the majority, has been over the ground, not to have been proved guilty is ample vindication.

The first case reported by the committee was the last in the order of evidence. In the town of Westerly are located two granite companies, employing about 150 men. The committee say that direct influence was brought to bear upon these employes about a week before the Presidential election of 1876, *by these corporations* issuing a handbill and circulating it where the men worked, of which the following is a copy:

TO ALL VOTERS

Employed by the

N. E. GRANITE WORKS, AND THE SMITH GRANITE CO.

Having become fully convinced that the election of Samuel J. Tilden and a Democratic Congress, on the 7th of November, will do a great injury to our business, and will also be a National Calamity, we do most earnestly advise all VOTERS IN OUR EMPLOY to vote the Republican Ticket, most especially for a Republican Member of Congress. You will by so doing secure your own interest, our interest, and the interest of your country.

The N. E. GRANITE WORKS.  
The SMITH GRANITE CO.

Waiving all question as to the natural comparison between this instrument and a double-barreled shot-gun as an intimidator, it is the fact that there was not a particle of evidence before the committee to show

that the circular was genuine or that its existence ever came to the knowledge of the company, either before or after it was issued.

George R. Coy, the only witness who testified in regard to it, said he was an active Democrat; that the principal man in the works lived in Hartford, Conn.; that the workmen said they found these circulars on their benches and stones; that some of them were brought to him to use at a Democratic political meeting which they had there, *and that they used them at the meeting*; that he did not know that any Democrat, in consequence of the influence of the circulars, failed to vote the Democratic ticket; that quite a number who generally voted the Democratic ticket did not come at all, *but* that they might have revised their politics that year.

Upon the evidence as it stands the minority believe that, as in case of the admitted trick by the Democratic witness in Manchaug, to apply for the use of the hall through a personal enemy of the agent in order to secure a refusal that might be trumpeted over the State to excite prejudice and create political capital, so in this instance these circulars were a Democratic invention, to be used for the same purpose at the Democratic meeting testified about by the witness.

The chief characteristic of the whole thing seems to be a lack of importance.

Mount Hope Village is in the town of Scituate. The Hope Manufacturing Company is there, and many of the citizens of the town work for the company. The company needs them as much as they need the company.

The committee find as the fact that, the Republicans used a colored ballot at the Congressional election of 1876 to distinguish it, while the Democrats used a white one, and there they stop, as though, white being the emblem of innocence and the badge of a Democrat that year, their conduct was necessarily pure. But the witness—a genuine Democrat himself, and the only one in the case on either side, and therefore as good authority for what the committee do *not* mention as for what they do—says that they distinguished *their* ballot by the figure of an eagle so heavily printed as to show through the paper, so that it could be seen even when the ballot was folded up. Thus both parties seem to have provided a method of distinguishing their ballots from one another; but the majority found only one-half of this globule of fact.

On election-day certain men, probably town officers or party appointees, whose duty it was to do so, and who, like many other citizens of the town, worked for this company, stood at the ballot-box and watched that ballot-box all day. This willing witness couldn't make anything stronger of it, nor that it produced any effect, more than it should have done in securing a reasonable scrutiny of the proceedings and an honest vote. He said that, "One or two I know who told me that they did not dare to vote"; but he couldn't give a single name, although he said that at one time he knew the name of every man on the voting list; nor could he give any further information upon the subject at all.

In Woonsocket there are several large manufacturing establishments. None of the owners reside there. Some of the agents and overseers are Republicans and some are Democrats. Some of the workmen are Democrats and some are Republicans. They are all mixed up there. Some of the witnesses, very active Democratic local managers, summoned by the committee on behalf of the Democracy, testified that men voted under the *eye* of their employers' agents; that the owners themselves live elsewhere; that their agents are generally Republicans, &c. Nothing

definite in the way of coercion of the ballot was stated which was not proved to be utterly false.

One Riley, a lawyer and a defeated Democratic candidate, the leading witness, made the statement first cited by the committee. Later in his testimony he said that Charles Nourse, John A. Bennett, Isaac M. Bull, Mr. Cole, George Grant, A. J. Rathburn, and Mr. Cornell were the "superintendents or men in control of the industrial affairs of Woonsocket" whom he had seen engaged in this business of escorting or intimidating voters, as he expressed it (p. 147). On the same page he completely exonerates Mr. Cornell, except as to a hearsay statement that he discharged one Michael Norton for voting the Democratic ticket. After revising and elucidating his testimony through several pages of cross-examination, he comes to the point thus (see p. 152):

Q. To cut this short, I ask you was there a single instance in which Mr. Nourse, to your knowledge, made use of anything like a threat, or resorted to anything like bribery, to influence the vote of a single human being?—A. No, sir.

Q. Do you know of any instance whatever wherein Mr. Bennett did a like act?—A. No, sir.

Q. Or Mr. Cole?—A. No, sir.

Q. Or Mr. Grant?—A. No, sir.

Q. Or Mr. Rathburn?—A. No, sir.

Q. Or Mr. Cornell, except in this one instance you speak of, where a man said he was discharged for voting as he wanted to?—A. No, sir.

This witness had no knowledge of but one case where a man had been discharged from employment on account of his vote—Michael Norton. Several witnesses showed that politics had nothing whatever to do with it; that he was discharged in the month of June, five months before the election in November; and he himself only claimed that it was because the superintendent had been a candidate for some office at the local spring election previous, and that during the colloquy which preceded his discharge he told the superintendent to "go to hell," whereupon the superintendent told him to "clear out."

Mr. Hawks, the overseer of the carding-room, testified as follows (p. 260):

JAMES L. HAWKS sworn and examined.

By Mr. BLAIR:

Question. Do you reside in Woonsocket?—Answer. Yes, sir.

Q. With what manufacturing company are you connected?—A. The Woonsocket Company.

Q. What is your position?—A. I am overseer of carding-room.

Q. Do you know one Michael Norton?—A. Yes, sir; he worked for me.

Q. That is, he worked under you in the mill?—A. Yes, sir.

Q. How long since?—A. I discharged him on the 30th of June last.

Q. For what cause was he discharged?—A. I discharged him because he refused to teach a man to tend a lapper. I requested him to teach the man; he replied that he would not, and I told him if that was the case he might consider himself discharged.

Q. Was there any political reason in his case for his discharge?—A. None at all.

James Pettipiece, who had charge of the weaving department, testified that Norton gave him the following account of the circumstances of his discharge (p. 262):

Question. Do you reside in Woonsocket?—Answer. Yes, sir.

Q. Are you connected with manufacturing; and, if so, in what way?—A. I am in the weaving department of the Woonsocket Company.

Q. Have you charge of that department?—A. I have.

Q. Do you know Michael Norton?—A. I do.

Q. Did he work for or under you?—A. He did not work for me; I had nothing to do with him.

Q. Did you have any conversation with him as to the cause of his discharge?—A. I had.

Q. What did he say was the reason of his discharge?—A. I was sitting in my yard—I think it was the Saturday night after his being discharged—and he came along; it was something uncommon for him to come along, but he did so. He began and went on to tell me in regard to his leaving. He said to me at first, "What would you do in that case?" I asked, "What case?" He said, "I had a wrench yonder which belonged to me, and the overseer of the carding-room accused me of taking it." I asked him, "What was the matter between you and Mr. Hawks?" He replied, "Mr. Hawks had a Frenchman up in the carding-room to learn how to work a lapper. He asked me if I would teach the Frenchman to work the lapper, and I said no; I would see him in hell first, with the damned lapper. Mr. Hawks told me he did not want me, and I picked up my things and left."

Q. Did he say that politics had anything to do with it?—A. Not in any shape or way.

Q. Have you known of any intimidation of voters in Woonsocket at or since the Presidential election of 1876?—A. I have not. I have not been advised much in regard to voting, for I have always voted the one way. It would not make much difference to me whether they were voting Democratic or Republican. I should vote my principles, let the consequences come as they would.

Q. The point of my question was whether you had heard of employes being influenced by employers through intimidation, threats, or coercion?—A. I do not know of anything of the kind.

There was also a statement that one Lawrence Berth was discharged for political reasons. Like every other charge in this wide waste of lies, this one was exposed as follows:

THOMAS F. O'REILLEY sworn and examined.

Question. Where were you born and what is your age?—Answer. Ireland; thirty-five years.

Q. How long have you been in this country?—A. Since I was nine or ten years old.

Q. How long have you been in Rhode Island?—A. I have been in Rhode Island, off and on, at different times; I came here first, I think, in 1855.

Q. You have resided in Woonsocket for how long?—A. For the last five years.

Q. For whom do you labor?—A. I am overseer of the weaving for the Lippitt Company.

Q. Do you know Lawrence Berth?—A. Yes, sir.

Q. Was he employed under you in the mill?—A. Yes, sir.

Q. Is he there now?—A. No, sir.

Q. State when he left you.—A. He left me on the 9th day of June of the present year.

Q. State all the circumstances of his leaving.—A. He came to me and asked to go off for one day as he wanted to come to Providence. I believe his purpose was to attend some convention. I think it was the Ancient Order of Hibernians' convention. He came to me to get off at Monday noon in order that he might come away on Tuesday. I understood afterwards that he came back on Tuesday. He did not come in the mill Tuesday, Wednesday, or Thursday, and I think it was on Friday night that I saw him with a few others. He was coming along the street and told me he wanted to see me a moment. He approached and informed me that on Wednesday he had bought out a liquor saloon; he said he knew it would be all right with him; that I would not find fault; that he had got out of the mill now; that he was going out of the business and had wanted to for some time. He said he wanted to settle up. I told him I did not believe the company would settle before he would leave a settlement with them. That was all there was of it.

Q. Was there anything else?—A. Nothing else.

Q. Had politics anything to do with his leaving?—A. Not that I know of.

Q. Have you ever known, at or since the Presidential election of 1876, the proprietors of that mill or its superintendents or officers, or anybody in their employ, to intimidate or bulldoze or coerce the voters, whether Republican or Democratic?—A. I have never known of it.

Q. Are you a voter?—A. I am not.

Q. Do you hire and discharge the men employed as Mr. Berth was?—A. Yes, sir.

Q. If he had been discharged you would have known of it, would you?—A. If he had been discharged I would have been the one who had done it.

Q. He left then of his own accord, without your knowledge?—A. He left of his own accord, without my knowledge, and was gone three or four days.

Q. Did he keep a liquor shop afterwards?—A. Yes, sir.

It was also charged that Mr. Chase marched three or four men to the polls with their hands high in the air, holding their tickets. Every one

of the men named, and several others, swore to the utter falsity of the statement, yet the committee report it as a fact all the same; or, rather, leave the impression that it is true by quoting favorably the testimony of a single witness and ignoring the crushing demonstration to the contrary.

It was clearly proved that when tickets were distributed at the mills they were the tickets of both parties, and that every man selected and voted just as he pleased.

It was proved that in many cases the operatives rode to the polls in the wagons of the companies, and that accommodations were furnished impartially to Democrats and Republicans.

It was proved that there was no coercion or intimidation of Democrats by employers or by any one else, nor were any means used by Republicans, nor, so far as shown, by Democrats, not proper and creditable to both parties, relating to freedom of action by the voter.

The evidence from the most respectable and reliable citizens of both parties to sustain these facts is very voluminous and decisive, and, as it cannot be cited in this report at length, we refer to it for the satisfaction of every impartial mind.

The last "fact"—from our standpoint it is a fiction—found by the committee is that the time-keeper of the Corliss Steam Fire Engine Company, in Providence, was at the polls in 1876, with his book, and would watch the men of the establishment and check their names as they voted, and make memoranda, and in consequence men were intimidated, and he was finally removed from his position near the polls.

George W. Kenedy was time-keeper and clerk in the office of the Corliss Steam Engine Company; but the company managers appear to have always been indifferent in political affairs, at least so far that they employed as many Democrats as Republicans, and that neither were ever interfered with. Indeed, Mr. Corliss seldom voted at all. The ward was very strongly Democratic. Mr. Kenedy held the office of clerk of the Republican ward committee. The Republican primaries were frequently overrun and controlled by the Democrats, and Mr. Kenedy was ordered by the Republican committee to observe the balloting and check each man on his list, so that they might have a record by which to detect Democrats when they again undertook to control the Republican caucuses, by pretending that they voted the Republican ticket at the polls. The object was to obtain an enrollment of the ward and *not merely of the employees* of the Corliss Company, and the whole thing was disconnected from the managers and superintendents of the works.

Philip B. Stiness, a real-estate broker who knew nearly every one in the ward, thus states the case (p. 216):

Q. You say you know what he was there for?—A. Yes, sir.

Q. What was he there for?—A. Previous to that time we had been overslaughed in that ward by Democratic voters (and it was so in the other wards), and while I was a member of the city committee a proposition was made to have an enrollment of those only who were Republicans. The reason for this was that we had had from 100 to 150 Democratic votes thrust into our caucuses in that ward, and had been entirely prevented from nominating Republicans on some occasions. This was carried so far that on one occasion a hundred Democratic votes were offered me to carry a point if I would take them (which I did not), and I mention that to show that I know this fact. We voted to have this enrollment of the Republicans made, and it was for the purpose of making the enrollment that Mr. Kennedy was keeping the list, as I understood it that morning, at the request of the Republican city committee, he having been clerk of the district and knowing the voters better than any one else in the ward except myself.

Q. There had been such an order in the ward committee?—A. In the general committee of the ward to make the enrollment.

Q. The Republican committee?—A. Yes, sir.

Naturally there was some disturbance in this Democratic ward when the majority found out the purpose of Mr. Kennedy, and they were so demonstrative in their disapprobation of this attempt to secure purity in the primaries and an honest ballot that after ten o'clock Mr. Kennedy desisted, not, however, until his commendable work was substantially completed.

We have thus briefly touched upon all the allegations of fact found by the majority from the great mass of testimony taken by the committee. Without occupying far more space and time than we are at liberty to appropriate, it is impossible to properly analyze the testimony and exhibit the utter failure of this partisan attempt to defame the people of two of the most renowned of American commonwealths. If the suffrage is free and pure anywhere on the face of the earth, it is free and pure in Massachusetts and Rhode Island. Religious toleration arose in the one and American liberty was born in the other. In both the independent virtues of the sires survive in their sons, and whoever attempts to institute a parallel between them and the terrible condition which has well nigh exterminated republican government in some less fortunate portions of our common country—from which condition the eternal principles of liberty and justice, as they exist and are practiced in Massachusetts and Rhode Island alone can rescue them—commits an act of futile hostility to the cause of good government throughout the land.

The whole country is interested in preserving unsullied the reputation of our institutions everywhere. We have no right to proclaim to the world the failure of our form of government in any State unless compelled by the truth. It will not do for the son to defame his mother and expect to avoid the execration of mankind, even when there is truth in his charges of dishonor. What, then, shall we say of those who by falsification assail the sacred renown either of the mother who bore them or of the State whose just laws, uprightly administered, and whose institutions, impreguably fortified in the hearts of a proud, free, and virtuous yeomanry, have, by their impartial protection of the ingrate as well as of the most illustrious citizen, enabled them to defame her with impunity, without whose cherishing love they would have never been reared in a liberty which they do not deserve, and whose protection these lying outcasts should no longer enjoy.

That the false affidavits which led to this investigation were before the committee was not its fault, nor does any one seem to know their paternity, or how they reached their destination. The work, both of the majority and minority, has been patiently and thoroughly done. Contrary as have been their conclusions, it only remains for us to commend to all who may feel an interest in this investigation an impartial examination of the evidence by which those conclusions, respectively, must stand or fall.

The minority has no mud to fling at either party in the States of Massachusetts and Rhode Island. In regard to purity and freedom of elections, as in other respects, they are models deserving the imitation of other States.

Republicans or Democrats who are too pure or too timid to live in either would do well to seek some better world than this prior to any election they are likely to see in this generation. Doubtless we shall all grow wiser and better as time wears away, but the people of these States are as likely to have all the latest improvements and reforms in the working of the republican form of government as any in the land. We believe there is as fair a chance for a man to be good and do his political duty and enjoy his political rights there as anywhere else on the earth.

## CONCLUSION.

Finding, as we do, no evidence whatever of intimidation at elections either in Massachusetts or Rhode Island, we concur with the committee, although for an opposite reason, that there is no call for national legislation upon that subject so far as those States are concerned. But we cannot admit the impotent doctrine of the committee, that if *their* conclusions of fact were true, to wit, that improper practices exist in the States visited, so far as the election of national officers is concerned, "and the freedom of choice by voters has been interfered with, and persons practically threatened with dismissal from employment if they voted in opposition to the wishes of their employers," that it is not "within the competency of Congress to correct this wrong by additional or any legislation," provided the State fails to remedy so profound an evil.

Suffrage is not under the final control of the States, so far as national elections are concerned. A duty is devolved by the Constitution upon the States which, by adopting the Constitution, they have agreed to perform. If they fail to perform that duty they do not destroy the Constitution, but simply violate their duty and compel the interference of Congress to preserve the government by establishing and enforcing the necessary laws.

Government and sovereignty are convertible terms. In a republican form of government the vote is sovereignty. Without a voter there can be no vote. If the national government has no voter it is not a sovereignty. It is subordinate to that power which controls the ballot. If State action, or the want of it, is supreme, then the *right* to vote at a national election does not exist at all and the doctrine of national sovereignty is a myth.

If the doctrine is true that even if an evil is found which destroys the right of suffrage Congress cannot legislate to remove it, why then has this investigation thus impudently been prosecuted by the committee? Was the purpose of the majority only to do a little advisory missionary work among the watering places during hot weather?

It cannot be. The nation has jurisdiction of its own life. In every vital emergency it always will instinctively assert and assume it. No power exists which can prevent the assertion and ultimate vindication of that jurisdiction. The suffrage is national life. The elections are its pulsations, and all the blood of this great people will be expended, if need be, to make and preserve them pure and free.

HENRY M. TELLER.  
S. J. KIRKWOOD.  
GEORGE F. HOAR.  
HENRY W. BLAIR.

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**SELECT COMMITTEE TO INQUIRE INTO ALLEGED FRAUDS  
IN THE LATE ELECTIONS.**

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**PART V.**

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**THE SUB-COMMITTEE**

**IN**

**MASSACHUSETTS.**

**SENATORS WALLACE, CHAIRMAN,  
McDONALD,  
PLATT,  
BLAIR.**





# MASSACHUSETTS.

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## INTIMIDATION AND FRAUDS.

### TESTIMONY.

BOSTON, *August 13, 1879.*

HENRY L. HALLETT sworn and examined.

By the CHAIRMAN :

Question. Are you the chief supervisor of elections for the district of Massachusetts ?—Answer. I am.

Q. When were you appointed ?—A. On March 23, 1872, by Judge Shepley, of the circuit court.

Q. Did you act as such at the Congressional election of 1878 ?—A. I did.

Q. Had you the control of the appointment of the supervisors of elections in the different wards and divisions of the district ?—A. The law vests the appointment in the judge of the circuit court.

Q. Were the appointees recommended by you ?—A. They were recommended by me.

Q. Was the control of the election of November, 1878, under your direction generally ?—A. In compliance with the regulations of the law I acted as chief supervisor.

Q. Have you prepared for presentation to the committee certain papers which you were notified to produce ?—A. Of the two papers which I was asked to produce—a list of the supervisors appointed at the election of November, 1878, and the election returns made by them—I have now here only the list of supervisors ; having been unable in the limited time afforded me since being called upon by the committee to prepare the other paper.

[The list of supervisors was here submitted and is as follows :]

*List of supervisors of election appointed for the different voting precincts in the city of Boston, for the election held on the day of November, A. D. 1878.*

#### WARD 1.—*Republican supervisors.*

Precinct 1. Richard C. O'Kief, Paris near Brook street.

Precinct 2. Charles E. Stone, 60 Princeton street.

Precinct 3. John P. McPherson, 51 Monmouth street.

Precinct 4. Clarendon W. Gray, 101 Brook street.

Precinct 5. Geo. H. Rymille, 598 Bennington street.

#### WARD 1.—*Democratic supervisors.*

Precinct 1. Thomas F. McCarty, 54 Brooks street.

Precinct 2. Anthony V. Glynn, 11 Monmouth street.

Precinct 3. William J. Synett, 192 Brooks street.

Precinct 4. Isaiah Whiton, 5 Prescott street.

Precinct 5. Francis McCauley, 318 Bremen street.

WARD 2.—*Republican supervisors.*

- Precinct 1. Frank H. Freeman, 136 Webster street.
- Precinct 2. Irwin Clarke, 127 Decatur street.
- Precinct 3. Daniel Cowing, 104 Meridian street.
- Precinct 4. Alfonso French, 65 Meridian street.

WARD 2.—*Democratic supervisors.*

- Precinct 1. John H. Dnanne, 37 Cottage street.
- Precinct 2. Daniel T. McCallum, 334 Sumner street.
- Precinct 3. Christopher F. Sweeney, 57 Havre street.
- Precinct 4. James E. Fitzgerald, 100 Decatur street.

WARD 3.—*Republican supervisors.*

- Precinct 1. Roswell T. Baker, 54 Green street.
- Precinct 2. Nathaniel D. Toppan, 40 Elm street.
- Precinct 3. Franklin C. Place, 12 Everett street.
- Precinct 4. Walter S. Bremer, 152 Chelsea street.

WARD 3.—*Democratic supervisors.*

- Precinct 1. James Devine, 30 Bunker Hill street.
- Precinct 2. John Lannigan, 5 Decatur street.
- Precinct 3. M. H. McCafferty, 40 Cottage street.
- Precinct 4. John F. Cronin, 18 Corey street.

WARD 4.—*Republican supervisors.*

- Precinct 1. Joseph H. Gleason, 105 Bedford street.
- Precinct 2. Geo. H. Pendergast, 34 Mead street.
- Precinct 3. Charles Gabriel, 76 Pearl street.
- Precinct 4. Geo. E. Rogers, 21 Sever street.

WARD 4.—*Democratic supervisors.*

- Precinct 1. Geo. Alexander Easter, 362 Bunker Hill street.
- Precinct 2. Samuel Watson, 462 Medford street.
- Precinct 3. Edward Connihan, 1 Temple street.
- Precinct 4. George Flanigan, 482 Main street.

WARD 5.—*Republican supervisors.*

- Precinct 1. Taylor P. Thompson, 52 Soley street.
- Precinct 2. Hiram Cutts, 40 Sullivan street.
- Precinct 3. Chas. A. Gould, 60 Austin street.
- Precinct 4. Joseph Dickson, 61 Chapman street.

WARD 5.—*Democratic supervisors.*

- Precinct 1. John R. Murphy, 25 Monument street.
- Precinct 2. Denis G. Quick, 95 Henley street.
- Precinct 3. Thomas A. Sullivan, 44 Timon street.
- Precinct 4. John A. Finnigan, 70 Richmond street.

WARD 6.—*Republican supervisors.*

- Precinct 1. Timothy G. Daly, 12 Hull street.
- Precinct 2. Charles J. McHugh, 6 Vernon Place.
- Precinct 3. William N. Starrett, 10 Prince street.
- Precinct 4. Frederick E. Stroh, 421 Hanover street.

WARD 6.—*Democratic supervisors.*

- Precinct 1. William Lloyd, 140 Salem street.

Precinct 2. Frank J. McFarland, 7 Charter street.  
 Precinct 3. John F. McCarthy, 12 Tileston street.  
 Precinct 4. James Hoy, 2 Land's Court off North street.

WARD 7.—*Republican supervisors.*

Precinct 1. Francis W. Patridge, 116 Salem street.  
 Precinct 2. Wm. J. Welch, 72 North Margin street.  
 Precinct 3. Frank F. Chapiu, 13 Cambridge street.  
 Precinct 4. William K. Spring, 25 Cambridge street.

WARD 7.—*Democratic supervisors.*

Precinct 1. Jeremiah Crowley, 2 Thatcher street.  
 Precinct 2. Patrick McGahay, 3 Lafayette avenue.  
 Precinct 3. Michael J. Dunn, 86 Hanover street.  
 Precinct 4. John Patterson, 17 Crescent street.

WARD 8.—*Republican supervisors.*

Precinct 1. Otis F. Ham, 6 Melrose Place.  
 Precinct 2. George S. Pike, 2 Auburn street.  
 Precinct 3. Frank Baxter, 6 Spring street.  
 Precinct 4. Luther L. Jenkins, 119 Leverett street.

WARD 8.—*Democratic supervisors.*

Precinct 1. Edward J. Holland, 70 Kingston street.  
 Precinct 2. William J. Roach, 100 Brighton street.  
 Precinct 3. Michael A. Finnegan, 1 Elder Place.  
 Precinct 4. Nathaniel G. Robinson, 21 Minot street.

WARD 9.—*Republican supervisors.*

Precinct 1. T. R. Appleton, 223 West Canton street.  
 Precinct 2. Frank Fuller, 85 Myrtle street.  
 Precinct 3. James J. Sullivan, 5 Garden Street Court.  
 Precinct 4. William H. Richardson, 103 Revere street.

WARD 9.—*Democratic supervisors.*

Precinct 1. Andrew J. Washburne, 83 Myrtle street.  
 Precinct 2. J. J. A. Gilrain, 2 Ash Place.  
 Precinct 3. John A. Fynes, 13 Fruit street.  
 Precinct 4. Jas. J. Maguire, 15 Fruit street.

WARD 10.—*Republican supervisors.*

Precinct 1. Edward W. Fox, 4 Rowe Place.  
 Precinct 2. T. Frank Reed, 66 Devonshire street, 2 Park street.  
 Precinct 3. Benjamin W. Parker, 87 Kingston street.  
 Precinct 4. Joseph A. Plummer, Cypress street.

WARD 10.—*Democratic supervisors.*

Precinct 1. W. E. Nowlan, 53 Hancock street.  
 Precinct 2. William Bishop, 1 Emmett Place.  
 Precinct 3. Thomas J. Callahan, 20 Columbia street.  
 Precinct 4. J. J. Donahue, 30 Harrison avenue.

WARD 11.—*Republican supervisors.*

Precinct 1. William R. Richards, 2 Marlboro' street.  
 Precinct 2. Moses W. Richardson, Hotel Brunswick.  
 Precinct 3. Geo. E. Black, 81 Church street.  
 Precinct 4. William H. Ware, 4 Ferdinand street.

Precinct 5. Ivory G. Curtis, 408 Columbus avenue.

WARD 11.—*Democratic supervisors.*

Precinct 1. James E. Leach, 5 St. James avenue.  
 Precinct 2. Timothy D. Sweeney, 10 Piedmont street.  
 Precinct 3. James F. O'Brien, 42 Carver street.  
 Precinct 4. Daniel J. O'Brien, 33 Carver street.  
 Precinct 5. Michael V. Purcell, 15 Piedmont street.

WARD 12.—*Republican supervisors.*

Precinct 1. George W. Roafe, 20 Common street.  
 Precinct 2. Michael H. Enright, 4 Curve street.  
 Precinct 3. Edward A. Millard, 106 Harrison avenue.  
 Precinct 4. Nathan P. Ryder, 181 Harrison avenue.

WARD 12.—*Democratic supervisors.*

Precinct 1. Daniel A. McCarthy, 154 Beach street.  
 Precinct 2. John J. Murphy, 47 Hudson street.  
 Precinct 3. John J. Sullivan, 72 Harvard street.  
 Precinct 4. John Osborne, jr., 52 Eliot street.

WARD 13.—*Republican supervisors.*

Precinct 1. John F. McWhirk, 35 Colony street.  
 Precinct 2. Lorenzo L. Allen, 350 West Fourth street.  
 Precinct 3. Alfred J. Thompson, 221 West Broadway.  
 Precinct 4. Asa H. Holden, 279 Broadway.  
 Precinct 5. Albert G. Pike, corner E and Broadway.

WARD 13.—*Democratic supervisors.*

Precinct 1. Thomas Haney, 20 West Broadway.  
 Precinct 2. Michael F. Lee, 98 Third street.  
 Precinct 3. P. J. Conlon, 227 D street.  
 Precinct 4. J. K. Crowley, 260 Broadway.  
 Precinct 5. John Dowd, 4 Lovis street.

WARD 14.—*Republican supervisors.*

Precinct 1. Hosea B. Bowen, 502 East Fourth street.  
 Precinct 2. Robert F. Means, 422 Sixth street.  
 Precinct 3. Charles A. Lord, 421 Third street.  
 Precinct 4. Samuel Haley, jr., 779 East Broadway.  
 Precinct 5. Henry S. Treadwell, 839 Fourth street.

WARD 14.—*Democratic supervisors.*

Precinct 1. Edward A. Kennedy, 234 West Third street.  
 Precinct 2. Patrick X. Keating, 65 O street.  
 Precinct 3. Edward F. McLaughlin, 462 East Third street.  
 Precinct 4. Herbert H. Guinan, 110 D street.  
 Precinct 5. William A. Guild, 792 East Fourth street.

WARD 15.—*Republican supervisors.*

Precinct 1. John E. Huntress, 8 Mercer street.  
 Precinct 2. George R. Dane, 272 Fifth street.  
 Precinct 3. George F. Hoyt, 15 Gates street.  
 Precinct 4. Edward A. Osgood, 373 Dorchester street.

WARD 15.—*Democratic supervisors.*

Precinct 1. George McDonnell, jr., 244 E street.  
 Precinct 2. Thomas F. Nunan, 18 F street.  
 Precinct 3. Thomas J. Trainer, 246 Ninth street,  
 Precinct 4. John S. Collins, 166 Dorchester street.

**WARD 16.—*Republican supervisors.***

- Precinct 1. Charles H. Gray, 88 Dover street.
- Precinct 2. Nathaniel Hayes, 1073 Washington street.
- Precinct 3. David C. Sisson, 1077 Washington street.
- Precinct 4. Daniel W. Tyler, 4 Madison Place.

**WARD 16.—*Democratic supervisors.***

- Precinct 1. Michael J. Murray, 85 Village street.
- Precinct 2. Charles J. Barton, 48 Dover street.
- Precinct 3. William S. Post, 1082 Washington street.
- Precinct 4. James M. Stevens, 7 Dover street.

**WARD 17.—*Republican supervisors.***

- Precinct 1. George C. Conant, 139 West Canton street.
- Precinct 2. Edmund T. Eastman, 293 Shawmut avenue.
- Precinct 3. Samnel B. Hopkins, 243 Boylston street.
- Precinct 4. James F. Babcock, 10 Rollins street.

**WARD 17.—*Democratic supervisors.***

- Precinct 1. J. A. McGonagle, 49 East Dedham street.
- Precinct 2. Daniel H. Gill, 47 West Dedham street.
- Precinct 3. Timothy Linehan, 54 East Dedham street.
- Precinct 4. J. E. Kennedy, 6 East Waltham street.

**WARD 18.—*Republican supervisors.***

- Precinct 1. Henry P. Stanwood, 564 Columbus avenue.
- Precinct 2. William Swinson, 76 Rutland street.
- Precinct 3. John J. Spaulding, 42 Chester square.
- Precinct 4. James L. Duncan, 703 Tremont street.

**WARD 18.—*Democratic supervisors.***

- Precinct 1. George F. Quigley, 214 West Springfield street.
- Precinct 2. James C. Laughton, 146 West Concord street.
- Precinct 3. James W. Calnan, 17 Fellows Court.
- Precinct 4. Frank E. Magullion, 59 Northampton street.

**WARD 19.—*Republican supervisors.***

- Precinct 1. Robert C. Weaver, 6 Shawmut Place.
- Precinct 2. Edwin F. Nash, 73 Kendall street.
- Precinct 3. Joseph Halstrick, jr., 48 Williams street.
- Precinct 4. Henry W. Dunham, 28 Pyncheon street.

**WARD 19.—*Democratic supervisors.***

- Precinct 1. Timothy E. Hughes, corner Benton and Tremont streets.
- Precinct 2. C. R. M. Pratt, 47 Hammond street.
- Precinct 3. Michael H. Murray, 17 Vernon street.
- Precinct 4. James F. Meloy, 1 Plympton Court.

**WARD 20.—*Republican supervisors.***

- Precinct 1. Isaac H. Robbins, Commerce House, Cottage street.
- Precinct 2. Asa Wyman, 296 Dudley street.
- Precinct 3. Henry P. Chamberlin, 1110 Harrison avenue.
- Precinct 4. Lucius H. Briggs, 65 Dennis street.
- Precinct 5. John H. White, 96 Brook avenue.

**WARD 20.—*Democratic supervisors.***

- Precinct 1. George W. Adams, 14 Shirley street.

- Precinct 2. John E. Butler, 195 Hampden street.
- Precinct 3. John M. Tobin, 1832 Washington street.
- Precinct 4. Charles J. Kidney, 455 Dudley street.
- Precinct 5. Edward W. Dolan, 4 Palmer Place.

*WARD 21.—Republican supervisors.*

- Precinct 1. Luther W. Bixby, 106 Roxbury street.
- Precinct 2. Edward J. Smith, 6 Alpine street.
- Precinct 3. George W. Gregerson, 37 Waverly street.
- Precinct 4. Francis S. Drake, 131 Warren street.
- Precinct 5. William T. Macarty, 10 Oakland street.

*WARD 21.—Democratic supervisors.*

- Precinct 1. Peter Muloe, 95 Pyncheon street.
- Precinct 2. Matthew R. Walsh, 4 Dabney Place.
- Precinct 3. Thomas E. Lambert, 6 Alpine street.
- Precinct 4. Matthew Foley, 5 Edgewood street.
- Precinct 5. Thomas Carbury, 141 Centre street.

*WARD 22.—Republican supervisors.*

- Precinct 1. William B. Page, 51 Burlington avenue.
- Precinct 2. Charles W. Hall, Bellevue, corner Austin street.
- Precinct 3. S. Marshall Reed, 3 Billings Place.

*WARD 22.—Democratic supervisors.*

- Precinct 1. P. H. Farren, 5 Washington street.
- Precinct 2. Abraham T. Rodgers, 53 Smith street.
- Precinct 3. Robert V. McDonald, 707 Parker street.

*WARD 23.—Republican supervisors.*

- Precinct 1. Edward P. Butler, 21 Doane street.
- Precinct 2. John Bumstead, 28 School street.
- Precinct 3. Charles S. Perham, care city messenger.
- Precinct 4. C. Franklin Herrick, Arcadia street.
- Precinct 5. William B. Blakemore, City Hall.

*WARD 23.—Democratic supervisors.*

- Precinct 1. John McMorro, Lamartine street.
- Precinct 2. John J. Follan, Green street, J. P.
- Precinct 3. Thomas S. Curley, Jamaica street.
- Precinct 4. William F. McCormack, Boylston avenue.
- Precinct 5. John Stanton, Walk Hill street.

*WARD 24.—Republican supervisors.*

- Precinct 1. John Pierce, Glendale street.
- Precinct 2. Coolidge Barnard, Harrison Square.
- Precinct 3. Henry Pierce, Lower Mills.
- Precinct 4. George Everett, Lower Mills.
- Precinct 5. Richardson Hutchinson, Lower Mills.

*WARD 24.—Democratic supervisors.*

- Precinct 1. Samuel F. White, Winter street.
- Precinct 2. Patrick Hart, Commercial street.
- Precinct 3. John J. Coffey, 43 Newhall street.
- Precinct 4. J. Harris Reed, 16 Pemberton Square.
- Precinct 5. Antonio Burckhardt, Norfolk street.

**WARD 25.—Republican supervisors.**

Precinct 1. Samuel Keene, 50 State street.  
 Precinct 2. James H. Rice, Mechanic street.  
 Precinct 3. S. T. P. Martin, 28 Pearl street.

**WARD 25.—Democratic supervisors.**

Precinct 1. John E. Bristow, corner Lincoln and Market streets.  
 Precinct 2. Hiram Cushman, Shepard street.  
 Precinct 3. George W. Warren, Baldwin Place, Brighton District.

*List of supervisors of election appointed for the different voting precincts in the city of Lowell for the election held on the day of November, A. D. 1878.*

**WARD 1.—Republican supervisor.**

J. W. B. Shaw, 156 Worthen street.

**WARD 1.—Democratic supervisor.**

Joseph M. Ambrose, 12 Lagrange street.

**WARD 2.—Republican supervisor.**

Charles H. Robbins, 196 Bridge street.

**WARD 2.—Democratic supervisor.**

William F. Courtney, 60 River street.

**WARD 3.—Republican supervisor.**

Joe. S. Grush, 76 Hall street.

**WARD 3.—Democratic supervisor.**

Joseph Casey, 3 Kinsman street.

**WARD 4.—Republican supervisor.**

Diogenes E. Trask, Walker street.

**WARD 4.—Democratic supervisor.**

Oliver A. Libby, Robbins street.

**WARD 5.—Republican supervisor.**

Frederick Holton, 78 Pawtucket street.

**WARD 5.—Democratic supervisor.**

James Warren, 31 Clark street.

**WARD 6.—Republican supervisor.**

John Stott, 76 High street.

**WARD 6.—Democratic supervisor.**

Lawrence J. Smith, 4 Keelan's Court.



*List of supervisors of election appointed for the different voting precincts in the city of Cambridge for the election held on the day of November A. D. 1878.*

**WARD 1.—Republican supervisor.**

Archibald M. Howe, 4 Garden street.

**WARD 1.—Democratic supervisor.**

Dennis J. Crowley, 2 South street.

**WARD 2.—Republican supervisor.**

Charles E. Pierce, 342 Broadway.

**WARD 2.—Democratic supervisor.**

Frank F. Nesdel, 17 Washington street.

**WARD 3.—Republican supervisor.**

William W. Winward, 135 Otis street.

**WARD 3.—Democratic supervisor.**

John Coffey, 54 North street.

**WARD 4.—Republican supervisor.**

George L. Cade, 464 Main street.

**WARD 4.—Democratic supervisor.**

John F. McCarthy, 15 Clark street.

**WARD 5.—Republican supervisor.**

James M. Ramsay, 5 Shepard street.

**WARD 5.—Democratic supervisor.**

John McCarthy, 72 Spruce street.

By the CHAIRMAN :

Q. Can you tabulate the returns which you had made to you by the supervisors, showing the reasons why persons offering to vote, if any, were not permitted to vote ; why their right was in any way scrutinized ; why they were arrested, and who such persons were ?—A. I did not understand that that was one of the matters which the committee desired to have, and consequently have not prepared any paper containing that information. I have here a list of all warrants issued by me as chief supervisor or as United States commissioner connected with frauds in registration or in voting. The paper is not in a shape to be presented to the committee, having been made merely with a view to enabling me to answer questions. The summons of the committee was received by me only on the day before yesterday, and I really have not known exactly what it was in the way of information that the committee wanted. I will be prepared, however, without delay, to furnish any information in my possession that you may desire.

Q. What we want is knowledge as to the cases of men whose names, under the law of Massachusetts, appeared upon the registry-list, who were challenged under the Federal law, with the causes of challenge ; the reasons why they were not permitted to vote, if not permitted ; the facts of their arrest and discharge, if arrested and discharged, and all

subsequent acts in regard to them.—A. I suppose I could answer that question by giving a brief statement of what was done by the supervisors.

Q. Proceed, then, if such action was taken under your direction, stating first whether instructions were sent out by you.—A. Instructions were sent out by me. After the appointment of supervisors I issued a form of instructions to control their proceedings relative to the examination of the registration. That which I now present is a copy of such instructions for registration.

[The paper here presented is as follows:]

OFFICE OF THE CHIEF SUPERVISOR OF ELECTIONS,  
140 TREMONT STREET,  
Boston, October 14, 1878.

*To the United States Supervisors of Election for the city of Boston :*

In addition to the special instructions given you individually from time to time, relative to your duties, you are required to carefully observe the following general instructions respecting the verification of the registry-list:

First. The right to vote of every person upon the lists is to be ascertained. Those persons known to be qualified voters and properly registered, having been noted, you are required to verify the names of all others by personal investigation. In so doing, the law directs you to make "proper inquiry and examination at the respective places by them assigned as their residences," and you will also consult all other available sources of information.

Second. The name of no person should be on the registry-list who is not possessed of the following qualifications:

He must be twenty-one years of age and upwards.

He must have resided in the State for one year, and in the city of Boston for six months next preceding the day of election (November 5).

He must have paid, by himself, his parent, master or guardian, a State or county tax assessed upon him in this State within two years next preceding such election.

And if he was not a legal voter prior to 1858, he must be able to read the Constitution in the English language, and write his name, unless prevented by physical disability.

Third. The law makes it obligatory upon every one to correctly answer your inquiries.

The statute is as follows:

"SECTION 5523. Every person who, during the progress of any verification of any list of the persons who may have registered or voted, which is had or made under any of the provisions of the title, 'The Elective Franchise,' refuses to answer, or refrains from answering, or answering, knowingly gives false information in respect to any inquiry lawfully made, shall be punishable by imprisonment for not more than thirty days, or by a fine of not more than one hundred dollars, or by both, and shall pay the costs of the prosecution."

Fourth. The law (sec. 5522) also makes it an offense to obstruct, hinder, or interfere with you when discharging your duties, and requires every person to aid you in the performance of your duties, when such assistance is necessary.

Fifth. In making your inquiries, you should bear in mind that the propriety of such inquiry, or your right so make the same, may not at once be understood by the person whom you are questioning; you are, therefore, particularly instructed to perform such duty in a courteous, gentlemanly manner, and to exercise patience, as well as diligence, and earnestness in your work. Offensive conduct on your part will not be excused.

When you meet with an unwillingness to furnish you with correct information, call the attention of the person to the provisions of the law above quoted, and explain the liability of non-compliance. It is believed that, if your investigation be properly conducted, you will have little difficulty in obtaining the information desired.

Sixth. Whenever any information is obtained which indicates irregularity or fraud, or which may be of service to this office in any way, you will note in the book given you (opposite to the name on the registry-list), the name of the person from whom you receive such information, and all the particulars communicated to you, and report the same at once to this office, in writing, giving name, street, number, evidence obtained, names of witnesses, etc.

Seventh. Your attention is particularly called to the following provisions of the law:

"SECTION 5521. If any person be appointed a supervisor of election, or a special deputy marshal, under the provisions of title 'The Elective Franchise,' and has taken the oath of office as such supervisor of election, or such special deputy marshal,



The WITNESS. The number of names reported to me upon papers of the character of this one was between twelve and thirteen hundred. So far as was possible during the short time I had for the purpose, all those names were investigated.

Q. Have you here a copy of any instructions that were sent to the marshals to make such investigations?—A. My instructions to the marshals were verbal, and were to find out the facts. Where, for instance, the supervisor had reported, "John Smith, ward one, precinct one, not naturalized," I would depute to some deputy marshal, to be selected, to go and see whether John Smith, thus indicated, had been naturalized. He would report to me the result of his inquiry. A great deal of that was verbal, and minutes were made by me upon slips of paper; but I preserved no record of each individual case, as such a record would have been too voluminous for convenient preservation. Each of those names was reported to me, and where I found that the name was improperly upon the list—that the man was not entitled to vote, and had satisfied myself of that—I sent for the man, and questioned him personally with regard to it.

Q. You sent for the voter?—A. I sent for the voter, and, if I found he was not so entitled, I cautioned him not to vote. In many instances, also, where the parties refused to answer the questions which were put to them by the deputy marshals, I issued warrants for the arrest of those parties. They were brought before me, and then, if they answered satisfactorily and cleared themselves of any suspicion of contempt of court or of the law, they were discharged.

Q. How many warrants did you issue in all?—A. I issued 169 warrants in all. One of these was for the arrest of a man for personating another in obtaining naturalization papers. That hardly came within my province, but that was the allegation upon which one of the warrants issued. For illegal registration, I issued 145 warrants. For refusing to answer questions of the deputy marshals and supervisors who went around, I issued eighteen warrants. For illegal voting, I issued five warrants. The arrests made by me from October 16 to the day of the election numbered thirty. On the day of the election twenty arrests were made, five for illegal voting and fifteen for false registration; these being those of persons who voted who were not entitled to vote and whose names were not upon the voting-list. Several of those had been warned by me that they would be arrested if they voted.

Q. Were all the warrants which were issued executed before the election day?—A. About 130 of these warrants were not issued until the election day, and were for false registration. In that connection let me say this. Owing to the imperfect character of the registration, the fact being that of those upon the Boston voting-list not entitled to vote many were men who had done nothing of their own volition to procure the placing of their names upon the voting-list, I did not feel authorized, after consultation with the district attorney, to cause the arrest of these parties unless they consummated the purpose of the false registration by voting. These warrants were placed in the hands of the supervisors on the night before the election and were in a sealed envelope, each supervisor receiving the warrants for the precinct to which he had been assigned, with instructions not to open them until they arrived at the polls, so that no one should know, in advance of the election, for whom warrants had been issued. My instructions to each supervisor were to put these warrants into the hands of the deputy marshal for service, if the party in any instance attempted to vote. Of the parties named in

the warrants, twenty who attempted to vote were arrested and brought before me, as I have stated.

Q. What became of the cases?—A. Of the cases of illegal registration, twelve were sent up to the court for trial (I knew nothing of them after they passed from my court); eighteen were discharged; and in one hundred and sixteen, no service was made of the warrants. Of the cases of refusal to answer questions, eleven were sent by me up to court or held for trial, four were discharged, two were discontinued without arrest, and one party arrested was defaulted.

Q. Who swore out these warrants for illegal registration?—A. They were sworn out by the assistant United States attorney.

Q. He made the oath and put them in your hands for execution?—A. He made the oath; and in each complaint there was a statement of the case and the names of the witnesses to substantiate it, which were filed with the papers in the case.

Q. From where was the information upon which this complaint was made gathered?—A. That information was gathered from the supervisors and from the deputy marshals.

Q. From the reports made to you by the supervisors?—A. From the reports made to me by the supervisors and from personal inquiry of the witnesses.

Q. Why were not all the warrants executed on election day, when they had been sworn out and issued?—A. For the reason I have already stated, that these persons were charged with illegal registration, whereas the fact was, as to many of them, that they had done nothing toward procuring the placing of their names upon the voting-list. I personally knew of several cases in which the persons whose names appeared there were foreigners not entitled to vote and had no knowledge of the fact of their names so appearing. In such cases I did not feel at liberty to make arrests until I was fully satisfied that the placing of their names there was due to some act of their own.

Q. Were these men against whom warrants were thus issued notified of the fact that these warrants for their arrest were in the hands of the officers?—A. No one knew it; their names were not given to the public.

Q. Were they notified of that fact by the supervisors on election morning or prior to it?—A. Not by me; nor could they have been by the supervisors if the supervisors followed my instructions, that those warrants were not to be used unless the parties voted. It was not my intention that they should be used except in that contingency. My instructions to the supervisors were to keep those warrants private and not to execute a warrant except in case of the party voting.

Q. I understand you to say that a number of warrants were issued on account of refusals to answer questions?—A. Yes, sir.

Q. Who made oath to the facts contained in any information for a warrant against a person refusing to answer questions propounded by the marshal?—A. My impression is that it was the deputy marshal or the supervisor to whom the refusal had been made.

Q. Is that an offense known to the United States law?—A. Yes, sir.

Q. That is, when a voter— A. When a voter shall refuse to answer, or, answering, shall answer untruly any question that may be put to him.

Q. Does that apply, in your judgment, to the day of election and the offer to register, or does it apply to any casual conversation that the marshal or other official may have with the party asking the right to

vote?—A. It applies to a formal interrogation made by the officer or person known to the party answering the question to be such officer.

Q. At any time or place?—A. At any time or place.

Q. That is your view of the United States law?—A. Yes, sir.

Q. And you have acted under it in Boston?—A. Yes, sir.

Q. How many warrants were issued on account of refusals to answer questions?—A. Eighteen.

Q. How many parties have been sent to court for that offense?—A. Eleven.

Q. Have any of those cases been tried to your knowledge?—A. I do not know.

Q. How many of those warrants were issued for refusals by the voters to answer questions on the election day?—A. None.

Q. How many for refusals to answer questions propounded to the voters at the place of registration?—A. None.

Q. Then all the warrants that were issued were for refusal to answer questions at a place other than the place of registration or of voting?—A. Yes, sir; all were for refusal of parties to answer questions at their place of abode or place of business.

Q. Have you any minute of the hearings, if any, that took place when a person was brought before you for any of the offenses charged in any of these warrants?—A. I have not. It is not my custom to take minutes in any cases.

Q. Have you the record of the warrants in all of those cases in which the parties came before you and were discharged?—A. I have. I say that I have, but I should say that my papers were all returned to the next term of the court. Those papers are all upon the files of the court, having been returned by me to the district court. I think that it was to the next term of court.

Q. Did any of these hearings occur prior to the election day?—A. My impression is that some of them did, though I could answer that question definitely by referring to my books.

Q. If you can speak with comparative accuracy from recollection it may not be necessary for you to make the reference. When you had a party thus before you and he was discharged, was anything said to him in regard to voting?—A. If I was satisfied that he had no right to vote I cautioned him against voting.

Q. You told him not to vote?—A. I told him not to vote and told him that a warrant for his arrest would be at the polls and that in case he voted he would be arrested. There were many such cases in which a party who had declined to answer the officer was brought before me (I issued my warrants and they came before me), and in every instance but one when I put to them the question which they had declined to answer when put by the deputy marshal or supervisor, they made answer. If when I asked them whether they were naturalized they replied that they were not, I said "You are not entitled to vote although your name is upon the voting-list; if you vote you will vote at your peril and a warrant will be there for your arrest." In any instance in which I found the party was not entitled to vote because he could not read or write, I cautioned him in the same way. If not entitled because of being under age, as was the case in one or two instances, or for any reason, I cautioned him against voting and told him he would be arrested if he did vote.

Q. Did you in any of these cases, under a warrant issued prior to the election, bind over the party for his appearance at court?—A. Those

that were for refusing to answer questions, the eleven that were held to court, were all prior to the election.

Q. But as to those who you, in your judgment, determined were not entitled to vote—did you bind any of those men over to court at that time or not?—A. I did not so far as I can remember. I think I had no hearings prior to the election because of my being so much occupied at the time, but that all the cases were continued by me until after the election.

Q. Do you say now that you told these men who were brought before you, against whom warrants had been issued, that they must not vote?—A. I warned them against voting. I did not tell them that they must not vote, but I warned them that, if they did vote, they would be arrested for voting.

Q. There were how many cases of that character?—A. Ten or a dozen, perhaps more.

Q. With reference to the character of the illegal registration of which you have spoken, state whether these warrants that were sworn out were for offenses against the State law, or for offenses against the United States law?—A. They were issued because the parties were not voters under the State law, either in not having been naturalized, or in being unable to comply with the reading and writing requirement of the State constitution.

Q. By way of defining the distinction more clearly in my own mind, I will ask you this: The non-naturalization was in violation of a Federal statute?—A. Yes, sir.

Q. And the non-compliance with the State requirement, under your State constitution, for an educational qualification was another reason why some of these men were about to be arrested for illegal registration?—A. Yes, sir.

Q. The warrants for their arrest were issued by Federal authority, that is, by yourself, and put into the hands of the Federal marshal?—A. Yes, sir.

Q. Then there were other warrants issued for alleged improper registration?—A. They were all issued under the general charge of illegal registration; no distinction was made.

Q. But in the one instance they were to enforce a distinction imposed by the State, and, in the other, a distinction regarding United States citizenship. I want to ascertain, if it can be ascertained, as to these alleged offenses, how many were against the State laws and how many can properly be taken cognizance of as against the United States laws?—A. It would be a pure guess on my part as to the number. I cannot give it.

Q. Under the law of Massachusetts, is the appearance upon the registration or voting list of the name of a man offering to vote a conclusive test of his right to vote?—A. The name of a man offering to vote must appear upon one of the voting lists. Those lists are posted in conspicuous places some ten days before an election. No man can vote whose name is not upon one of those lists. The list has been handed down to us, I may almost say, from former generations. It has been in existence for perhaps thirty or forty years.

Q. That registry list is the evidence of the citizen's right to vote?—A. It is the evidence of the citizen's right to vote.

Q. State the process under which that conclusive test of the right to vote is made up.—A. That is a matter pertaining to State regulation with which I am not entirely familiar.

Q. It is made up partly from State sources and under State laws?—A. Yes, sir. In connection with what I have already stated on the sub-

ject, I will say that, after the election was over, I had in my hands, unserved, the papers in some 140 complaints for illegal registration. I had become satisfied from investigation that there were many errors in the list of voters in the city of Boston, and that persons whose names appeared on the voting list improperly were by no means responsible for the appearance of their names there. In conference with the United States attorney, it was decided to take a few of these 140 cases, examine into them and see what the nature of the registration was in the city of Boston. Some four or five warrants were served, the parties brought up, and the city clerk and one member of the board of registrars of the city summoned as witnesses. The city clerk testified as to the form in which the voting lists had been prepared. His testimony showed that it had been the custom to copy names from the city assessors' list directly upon the voting lists; that the city assessors, who went around to assess the taxes, would get the names of the residents in the houses; and the city clerk had been in the habit of taking those lists from the city assessors and copying the names directly upon the voting lists. In many instances, the names of men who had been in the country but a short time, who had not been naturalized and were in no way entitled to vote, got upon the voting lists in that way without any wrongful intention of and without even the knowledge of the men themselves.

Q. Then I understand you to state as the result of the examination you have made in regard to it that that registry list, although it is the evidence under State laws of the right of a man to vote, is in many instances a defective list?—A. I found that upon examination.

Q. But in 140 of the 169 cases the warrants were not executed?—A. In about 120, I should say.

Q. Do I understand you to say that any of these warrants were served before the 5th day of November?—A. The warrants for refusals to answer were all served before the 5th of November.

Q. But as to those issued for offenses connected with illegal registration, what is the fact?—A. There were thirty warrants issued for illegal registration. I do not think that any of those were served prior to the election, these matters having occurred a year ago and not having been thought over by me since. I cannot answer in regard to them with precise accuracy, as I would be enabled to answer by reference to my books and papers.

Mr. McDONALD. If, upon reflection, you find that your memory has been at fault in regard to any statements you have made here, you will be at liberty to make the correction.

By the CHAIRMAN :

Q. Were any warrants executed upon the morning of the election day?—A. Twenty warrants were executed upon the morning of the election day.

Q. Were they all in one locality or in different localities throughout the city?—A. Throughout the city, in different directions, impartially.

Q. For what offense were they issued; was it for the consummation of the illegal registration?—A. For the consummation of the illegal registration, or for illegal voting in cases where I felt satisfied that the party himself had procured the registration.

Q. Are those the cases of which you have sent a portion to court?—A. Those cases have been to court, and many of them have been tried, as I am informed. That record is in the district attorney's office.

Q. The verbal instructions given by you to the supervisors in the differ-



ent wards were the same in each locality, were they?—A. From time to time, as the supervisors applied to me, I gave them instructions upon particular questions which they put to me, and upon one or two occasions instructed them orally. On one occasion, the day before the election, having them all together, I addressed them orally and also issued to them a paper containing general instructions for the government of their conduct at the polls, a copy of which I now submit to the committee.

[The paper is as follows:]

#### INSTRUCTIONS TO SUPERVISORS.

OFFICE OF CHIEF SUPERVISOR OF ELECTIONS,  
MASSACHUSETTS DISTRICT,  
Boston, November 1, 1878.

In compliance with the provisions of the several acts of Congress, the following instructions are issued to supervisors of election, appointed under the laws of the United States with reference to the election to be held on Tuesday, November 5, A. D. 1878.

Supervisors of election are *expected and required* to attend the places of election in the respective wards and voting precincts to which they have been appointed *from the opening of the polls until their close*, and perform the following duties:

1. To check upon the voting-list furnished them, the name of every person who votes. This duty will be performed at each precinct, by the supervisors selected by the chief supervisor for that duty. Immediately on the closing of the polls, the voting list will be placed in the envelope provided for that purpose, sealed up, and retained by the supervisor who has kept it, who will return it, together with the certificate of the ballots polled, to the chief supervisor on the morning of the day after the election.

2. To challenge the vote of every person marked for challenge on the voting list furnished you, and any vote offered by any person whose legal qualifications the supervisors, or either of them, may doubt. You will also note on your voting list any name challenged by any other person, and the reason for such challenge. Should any one offer to vote on the name of any person marked on your list for arrest, you will at once order his arrest by a deputy marshal. The law authorizes the arrest, *without warrant*, of any person voting, or attempting to vote, illegally, in the presence of a supervisor. If no deputy marshal is present, the law authorizes the supervisor himself to make the arrest *without warrant*. Should you have to do so, you will give the person so arrested to the custody of the police, and at once resume your duty at the ballot-box.

3. To be and remain *continually* where the ballot-boxes are kept, after the polls are open until each and every vote cast at said time and place shall be counted, the canvass of all votes polled be wholly completed, and the proper and requisite certificates or returns are made, signed, and endorsed.

4. To personally inspect and scrutinize, from time to time, and at all times, the manner in which the voting is done, and the way and method in which the voting list, tallies, or check lists are kept.

Supervisors are cautioned against any interference with the officers appointed by the city government to take charge of the polls, unless such officers should act in direct violation of law.

5. You are authorized and directed, the better to enable you to discharge your duties, to take, occupy, and remain in such position or positions, from time to time, whether before or behind the ballot-boxes as will, in your judgment, best enable you to see each person offering to vote, and as will best conduce to your scrutinizing the manner in which the voting is being conducted.

In the discharge of this duty, you will be careful not to interfere unnecessarily with the city officers.

6. At the closing of the polls for the reception of votes, you are required to place yourself in such a position in relation to the ballot-boxes, for the purpose of engaging in the work of canvassing the ballots in said boxes contained, as will fully enable you to count and canvass each and every ballot in each and every box.

If it is found inconvenient for you to count the votes at the same time with the city inspectors, you will wait until they have made their count and canvass, and then proceed to make yours, being careful that each supervisor examines and counts *every* ballot cast.

7. A certificate of the total number of votes, the number of votes cast for each candidate for the office of governor and Representative in Congress, will be made out on the blanks furnished, and signed by both supervisors, and returned in a sealed envelope to the chief supervisor on the morning of the day after the election.

8. On election day no supervisor will, under any circumstances, be allowed, while within the polling-place, to electioneer or engage in any political discussion; or to have any ballots within the polling-place at any time save when offering his own vote. Electioneering, canvassing, or what is generally designated as "outside work," is no part of his duty, and it will not in any wise be tolerated. No declaration of the result, and no statement of the condition of the polls, of the number of votes cast, or of names checked, or of the name of any one who has or has not voted, shall be made by any supervisor, until the polls are closed.

The chief supervisor has made such arrangements that any misconduct or neglect of duty on the part of any supervisor will be surely reported to him. The attention of each supervisor is particularly called to the following:

*Act of February 28th, 1871.*

"SECT. 11. And be it further enacted, That whoever shall be appointed a supervisor of election, or a special deputy marshal, under the provisions of this act, and shall take the oath of office as such supervisor of election, or such special deputy marshal, who shall thereafter neglect or refuse, without good and lawful excuse, to perform and discharge fully the duties, obligations and requirements of such office, until the expiration of the term for which he was appointed, shall not only be subject to removal from office with loss of all pay or emoluments, but shall be guilty of a misdemeanor, and, on conviction, shall be punished by imprisonment for not less than six months, nor more than one year, or by fine of not less than two hundred dollars, and not exceeding five hundred dollars, or by both fine and imprisonment, and shall pay the costs of prosecution."

The law of the State of Massachusetts relating to the "duty of ward officers when right to vote is challenged" is quoted for your guidance.

[CHAPTER 206.]

AN ACT in amendment of an act relating to elections.

"Be it enacted, etc., as follows: SECT. 1. Whenever, in any election in a city, the right of any person offering to vote is challenged for any cause recognized by existing laws, it shall be the duty of the warden or presiding officer to require the name and residence of the person so offering to vote to be written upon the ballot so offered and challenged either by himself or some person in his behalf, and the warden or presiding officer shall add thereto the name of the person challenging the same, and the cause assigned therefor, before such ballot shall be received; and if such ballot shall be offered sealed, the writing as aforesaid may be upon the envelope covering the same, and the warden or other presiding officer, in the presence of the clerk and at least one inspector, shall mark and designate such ballot, by writing thereon the name of the person by whom it was cast, before it is counted; and, at the close of the election, the same shall be returned to the envelope in which it was deposited: *Provided*, That nothing contained in this act shall be so construed as to permit ward officers to receive any vote which, by existing laws, they are required to refuse."

9. Deputy marshals must not be allowed behind the rails, unless to take the place of a supervisor prevented by any reason from discharging his duties. Should such an instance occur, the deputy marshal called should belong to a different political party from the supervisor on duty.

10. If any supervisor shall not be allowed to exercise and discharge fully and freely each and every duty, obligation, and power conferred on him, it is his duty promptly to report the same to the chief supervisor.

11. Supervisors in discharging their duties should be careful not to do anything offensively, and at all times to remember that the sole object of the law, under which they hold office, is to preserve the purity of the election, with justice and fairness towards all persons and parties.

12. No compensation will be made to any supervisor, unless he returns all his books, papers, and voting lists to the chief supervisor.

*Chief Supervisor of Election for the District of Massachusetts.*

The WITNESS. I would now like to state the mode which I adopted in making appointments of supervisors. I applied to the chairmen of the Democratic and Republican city committees for lists of such persons

as they, or the political parties which they represented, desired to have selected for those positions. Upon receiving those lists from the chairmen of the several committees, I required each applicant to file an application in his own handwriting and over his own signature upon a printed form which I had prepared for the purpose, and a copy of which I now submit. The list of Democratic applicants was submitted to the Republican chairman, the list of Republican applicants was submitted to the Democratic chairman, and, with one exception, each acquiesced in the appointments of the other. In the only instance in which objection was made, no charge was preferred against the person selected as supervisor, but the Democratic chairman simply said he would be obliged to me if I would not appoint the man. As there seemed to be so general harmony, I did not appoint the man, and they had another Republican or Democrat, as the case may have been, substituted in his place.

[The form of application above referred to is as follows:]

BOSTON, ———, 1878.

TO HENRY L. HALLETT, *Chief Supervisor of Elections*:

SIR: I hereby apply for appointment as a supervisor of election in the ——— voting precinct of the ——— ward, in the city of ———. ——— years of age, and reside at No. — street, in the ——— ward, in said city. I have resided in said city ——— years.

My business is that of a ———, at No. ——— street, in the city of ———.

My nativity is ——— I am [married or single] ———.

My political faith and opinions are those now held by the ——— party.

If applicant occupies  
any position under the  
United States, State,  
or local government,  
set forth the same here  
in full, in detail.

I am ———

Respecting my fitness for the position desired, I refer to the following persons:

I certify that I am a citizen of the United States, and of the State of Massachusetts; that I am able to read and write the English language, and that the written portion of this paper is all in my handwriting, and that I have, myself, read the whole of application, and know its contents, and the facts herein stated respecting myself are true.

Respectfully, yours,

(Signature of applicant,) ———.

NOTE.—The applicant must fill in this application in his own handwriting and personally present it to the chief supervisor, at No. 140 Tremont street, Boston, room 6.

By the CHAIRMAN:

Q. You obtained the list of the registry, in the first place, from whom?—A. From the office of the city registrars of voters.

Q. Where did you send that registry list?—A. I prepared for each precinct two books similar to the one that I now show you, each containing a copy of the precinct registry, and furnished one of those to each of the two supervisors. I gave them verbal instructions, in addition to the instructions of the printed circular, to scrutinize every name upon the list. If they personally knew or upon inquiry had reason to believe that the name of a man was correct and was properly on the list, they were to check it. If they had any doubt in regard to a name and could not get reliable information as to the qualifications of the man whom it purported to represent, they were to go to that man's place of residence,

see him personally, and ascertain whether the name had been properly placed upon the list or not. It was not until the 23d of October, about fourteen days before the election, that the supervisors were all appointed, and therefore but a very brief period of time was allowed me in which to do the work required to be done. For that reason I do not consider that the work was thoroughly done by me, but I will say that it was done as well as it could have been done in the short time afforded for the purpose.

Q. Did these lists come back to you with checks set opposite the names of suspected persons?—A. No, sir; my instructions to the supervisors required them to write in the margins of the books any information they might receive concerning the names that they thought were not right. They were to copy that into their reports to me, and these reports were to be brought or sent to me on the following day. Then I went over the list with them in regard to that, and if satisfied that a name objected to was all right, that the objection was not a good one, I said nothing about it; otherwise I put it upon the list of names to be investigated by the deputy marshals, as I have stated.

Q. Did both of the supervisors of the locality, or but one, act with you in canvassing these lists?—A. I knew no distinction between the two supervisors and treated both alike; in fact, I did not know the politics of either as they came before me—that I only knew by the color of the books.

Q. State in how many instances the names of persons on this list were returned to you by the supervisors as defective or as those of persons whose right to vote was doubtful.—A. The aggregate was between twelve and thirteen hundred. That was the number of cases reported to me by the supervisors as those of men concerning whom they had their doubts, whether the names were properly upon the lists. Those included cases of deaths, removals from the State, non-residence, and the like. (Producing and exhibiting a batch of papers.) These are the reports that were made to me by the supervisors. They show the form in which they came to me. They would be handed to me as a general rule by each supervisor, when I would go over each name with him and with a blue pencil make the marks that you see there—the letter “d” being intended to indicate that the man opposite to whose name it appears is dead, the letter “c” meaning that the party is marked for challenge on the day of the election. Of the twelve or thirteen hundred names which were reported to me, nine hundred and some odd were marked for challenge on the day of election, these being persons concerning whom I had some doubts as to their being residents and against whom the proof, while not such as to warrant the issuing of a warrant of arrest, was sufficient to justify the marking of their names on the voting list for challenge.

Q. You say there were 900 and some odd of those names after the marshals had made their examination, do you?—A. When this list was handed to me I would take off each name as I have stated, put it upon a slip of paper, call in a deputy marshal, and tell him to investigate the case to which I called his attention and to report to me. These directions were given orally, and upon examining that report, when made, I marked the man for arrest or for challenge, or drew my pencil through it, to indicate that nothing was to be done about it.

Q. Did you in any instance state to the supervisor who returned it that the list was not satisfactory?—A. I had occasion to reprimand several supervisors for not properly performing their duty, for not accomplishing as much work as I thought they ought to have accomplished.

Q. Was that in regard to the lists?—A. In regard to some of them, yes. I want to bear testimony to the faithful way in which a large majority of the supervisors performed their duty. Both sides, irrespective of party, seemed to enter into the business with a great deal of heartiness and alacrity; but, of course, in so large a number there were exceptions. Of the whole 212, there were some 18 or 15 who were lazy and indolent, and did not perform their duty heartily.

Q. That fact you gathered from the lists when they reported to you?—A. I gathered that from the lists when, as to certain lists, no imperfections were reported and as to others, in similar localities, they would report many doubtful or questionable names.

Q. Where the supervisor's report was not satisfactory to you, did you take it as it had been made or did you order him to re-examine it?—A. I ordered him to re-examine it, to go over the list again.

Q. Did you point out in his district specific cases of men whom you suspected to be illegal voters?—A. I did not make any specific charges.

Q. Then your opinion was based solely upon the assumption that there had not been enough of names checked?—A. That was my idea.

Q. Of that class there were how many cases?—A. One or two men, I think, almost wholly neglected their duty, and from that up to the number I have stated they did their work with more or less indifference, but the number of these was very small as compared to the whole number of men employed.

Q. What amount of pay did each of these supervisors draw?—A. The chief supervisor has nothing to do with the pay of the supervisors. Under the orders of Judge Lowell, I think that most of them received pay for six days' service. They were paid by the United States marshal.

Q. Was not their period of service computed by you?—A. In the first instance, I endeavored to arrange what I thought would be a fair compensation for the supervisors, as the marshal said he would not make payment except upon a certificate from me. My estimate of the work that I thought they had performed was based upon the number of days for which they had been employed. They were dissatisfied with my estimate. I did not see fit to change it, and they went before the court, when Judge Lowell, under a special order of court, fixed their pay.

Q. You put it too low, did you?—A. They thought so.

Q. How many days did you allow them?—A. Four, five, and six days, according to the amount of work that I thought they had done. I have now here the books of the supervisors, with the reports which they made to me, these showing the number of names reported upon in each case. Upon these I based my estimate of the amount of work which they had done. Prior to the election, public registration was had at different dates, covering a period of ten days, in fifteen or seventeen different places in the city of Boston. Four of those days had passed before the appointments of the supervisors were made. For each of those 15 or 17 localities I appointed one Democratic and one Republican supervisor, who were in attendance upon the public registration for six days, and in addition to that were required to verify their books. These supervisors, some 30 or 34 in number, were each allowed ten days' pay. The rest were, by order of court, allowed six days, being required to make affidavit and give the specific days which they had served. The chief supervisor's election account is a distinct account. It has not yet been settled.

Q. Give the sum total of the account rendered.—A. It is \$2,726.49; that is, the election account.

Q. While the registration was being made up, the lists of voters being scanned and the arrangements for the election in progress, did the political committees of the city or either of them have access to your records or know what you were doing?—A. No, sir; not that I know of. I was ready at all times to answer questions from either party as to any matters concerning which it was proper for them to be informed.

Q. Did either party have access to your lists of voters for the purpose of scanning the names of those who were suspected of a purpose to vote illegally?—A. Not so far as I was concerned, but it was very easy for the Republican or the Democratic supervisor to show his list to others of his party.

Q. I speak of it with reference to the records of your office.—A. Neither party attempted in any way to control or interfere with my movements in any direction.

Q. And had no access to your records, so far as you know?—A. They could have had no access to them; no, sir.

By Mr. BLAIR:

Q. You were appointed supervisor for the district of Massachusetts, in 1872?—A. I was.

Q. Do you exercise functions as supervisor elsewhere than in the city of Boston?—A. I acted at the last election for Lowell and Cambridge also.

Q. Supervisors were appointed for the city of Cambridge?—A. Supervisors of voting were appointed for that city.

Q. No requests were made from there for marshals?—A. No requests were made for marshals in Cambridge; the request from there was to have the voting, not the registration of voters, scrutinized. In 1872, 1874, and 1876, application was made to the court to have the voting scrutinized, and it was not until 1878 that application was made to have the registration scrutinized.

Q. Has either political party ever found any fault with your method of administering the law and discharging your duties as supervisor, so far as you know?—A. So far as I know, no, sir.

Q. No complaint has reached you?—A. No complaint has reached me from any source.

Q. On the contrary, is it not true that both parties have expressed great satisfaction with the manner in which you have discharged your duties?—A. They have kindly done so. It was my intention to be impartial.

Q. I will ask the question whether you consider yourself as an active political partisan in any sense?—A. In no sense, because I have no affiliation with either party. I have considered myself as out of politics since 1863.

Q. You have already indicated that applications were formally made for a supervision of the voting lists. Under the law there were then two methods of procedure, one for the appointment of supervisors with reference to the voting alone, and the other, as I understand it, having reference to the appointment of marshals. Please to explain those methods.—A. The law allows the appointment of supervisors of registration and supervisors of voting, either separately or together. Formerly the supervisors of voting were the only ones who were appointed.

Q. State how and upon whose request the machinery of the election law was set in operation in the general election of November, 1878, giv-

ing the facts in detail.—A. The first of the applications that were received was filed with the court on the 14th of September, 1878, and was from ten residents of ward 24, precinct 1. It asked for the scrutinizing of the registry of voters of that precinct. That was in what was then Mr. Dean's district.

Q. Had you any conversation with Mr. Dean in regard to it?—A. I had, but not until some time afterwards.

Q. Proceed in your own way.—A. From September 14th up to September 26th or 27th, forty-five applications from forty-five different precincts in the Congressional district which was represented by Mr. Dean were filed in the circuit court, each application, as required by law, having ten names attached to it. As rapidly as those applications came in they were referred to me, and before they had all been filed I had a conversation with Mr. Dean, Mr. Abbott, and some others of the Democratic party who came up to see me in relation to the mode of proceeding. As the registration had never before been scrutinized in that district as was then proposed, they desired to know what course I should pursue.

Q. Were the applications, thus far, made in the interest of the Democratic party, of Mr. Dean and his friends?—A. I presume that they came from the Democratic side; I so understood it.

Q. The first movement to set in operation this election machinery last autumn came from the Democratic rather than from the Republican party?—A. So I understood.

Q. Proceed with your statement of the interview.—A. The interview was a brief one. I stated to Mr. Dean my idea of the law, and he said that the chairman or some one would see me further relative to the matter. Not hearing from the chairman or any one else, I subsequently went around myself to Mr. Dean's office to hurry matters up, as I wanted to make up a list of the supervisors. I do not think I saw Mr. Dean, but I saw some of his friends, and requested them to send in the names of some of the parties whom they desired to have appointed. My familiarity with the citizens of Boston not being such as to enable me to make appointments without assistance, it was necessary for me to have the names so that I might have something to act upon. Some time early in October, Parker W. Chandler, who holds an official position in the Republican party, I think, came to me in relation to certain localities in the district known as Mr. Morse's district (though some one else possibly may have then represented it) and wanted to apply for supervision in those localities. After some conference, it was thought better that application be made for the whole city instead of for a portion of it; consequently Mr. Chandler and Mr. Kimball, two Republicans, made application for the supervision of registration and voting for the whole city of Boston. That superseded the forty-five applications for supervision of voting made by Mr. Dean, and covered both the supervision of voting and that of registration. I then proceeded, as I have stated, to get my lists of supervisors from both parties and to give instructions to the appointees.

Q. Substantially, the appointment of supervisors was endorsed by both political parties?—A. Every Republican supervisor was endorsed by a representative of the Democratic party, and every Democratic supervisor was endorsed by a representative of the Republican party.

Q. And all of these names came originally from the political parties to which the supervisors respectively belonged?—A. Yes, sir.

Q. None of them were selected by you in the first instance?—A. Not one.

Q. What class of men as a whole were appointed ?—A. A very excellent class of men, one much better than one would have expected.

Q. Was this body of men more or less efficient as compared with officers of the State having similar duties to perform ?—A. I heard that they were very much more efficient than those selected by the city. That I only know by hearsay, of course. One of the city officials complained to me that all their best men were trying to get appointed United States supervisors instead of city supervisors. What prompted the preference I do not know.

Q. You have spoken of your action in connection with the marshals. You had nothing to do with respect to the appointment of the marshals, of course ?—A. Nothing at all.

Q. Have you in your office any records relating to the performance of their duties by the marshals ?—A. No, sir ; I have their oaths of office, which I am required to keep. When parties were brought before me by the United States marshal to be sworn in as marshals they were asked by me to state their names, ages, residences, places of nativity, places of business, whether they were qualified to vote, whether married or single, their political beliefs, and for what places they were appointed. They then took and subscribed to the iron-clad oath before me. The book which I have now before me contains the record of their official oaths.

Q. Can you state, by reference to the book, what was the relative standing of the marshals so appointed with reference to their political sentiments ?—A. I could not state that from the book, and my only information in regard to it is that which I received from Mr. Usher, the United States marshal. Their political sentiments as recorded in the book are of all shades, Democratic, Republican, Greenback, Independent, and so forth.

Q. Is it your belief that they were appointed with a view to giving any one party a larger proportion numerically than properly belonged to it, or that the appointments were made impartially from among the several parties of the city ?—A. So far as I know, Colonel Usher appointed such men as were recommended to him as proper men to be appointed. He required, as I did in the case of the supervisors, a written application, signed and indorsed by some responsible party, before making an appointment. I know it was his intention, for he so stated it to me, to appoint from all sections. To what extent he did that, I do not know.

Q. Will you have some one make a list of the various marshals as indicated in the book here produced by you and furnish the same to the committee ?—A. I will.

Q. In discharging this duty of correcting the lists, you came personally in contact with a very large proportion of the marshals, did you not ?—A. No, sir ; I had the marshal detail some fifteen or twenty marshals, and those I employed. As to a majority of the marshals, I only saw them to administer the oath to them. Perhaps as to seven-eighths of them all that I can say is that they came on the day before the election, were sworn in, and served on the day of the election.

Q. About how many, did you say, were under your personal supervision for the purpose of examining the lists ?—A. Fifteen or twenty, I should say.

Q. For what length of time were they under your direction ?—A. Four or five or ten days, and as the business increased the number of marshals increased.

Q. What would you say as to their personal character and their effi-



ciency in the discharge of the duties that devolved upon them as marshals?—A. I was thoroughly satisfied so far as concerned the detail for my service. I know of no complaint having been made against any marshal or any supervisor for misconduct on the day of election, therefore I judge that their conduct must have been commendable.

Q. You know of no oppressive conduct being exercised by the marshals or supervisors toward the voters in any instance?—A. No misconduct was reported to me.

Q. I understand you to say that you found this city registry to be quite defective; and you have given some of the reasons why it may have been so, such as the method in which it was made, in being copied from the assessors' lists and so on. You may now go on and state as specifically as you can what errors and opportunities for error you have found in that list and whether you think it is now, after this correction which you made, an accurate list of the voters of this city.—A. I have made no correction of the list. The list remains the same. The list is made under the supervision of the State authorities and the supervisor has no control over it nor authority in any way to strike off names or change the list.

Q. Have not names been stricken off in accordance with your recommendations, in any instance?—A. I do not know of any.

Q. You do not know whether the State or city authorities have conformed to your report in any case?—A. I furnished Mr. Chandler with evidence in regard to a large number of people whose names, on the voting list, I thought ought not to be there. I understood that he went before the city registrars and that a large number of names, whether 100 or 300 I do not know, were stricken off. This is only hearsay. I have no knowledge as to the fact.

Q. You have no personal knowledge with regard to the list itself whatever?—A. No, sir; I had nothing to do with it and thought it was not proper for me to intervene. I was ready to furnish all the information and material in my possession which any one might desire.

Q. Can you indicate any way in which errors might creep into the registration, other than that of simply copying from the assessor's book into the lists?—A. As I stated, the names of men who are not naturalized and of others who cannot read or write are copied from the assessor's list on the registration list. Men who can neither read nor write get others to read or write for them, their names get on, and they go up and vote.

Q. Have you known of any instances of that description?—A. Several of the parties who were brought up for refusal to answer admitted, when I asked them, that they had not been naturalized. One man, when questioned, very quaintly replied, "And why shouldn't I vote; ain't my name on the voting list."

Q. Did he explain how his name came to get upon the voting list?—A. I asked him how his name came to get upon the voting list, and he did not know.

Q. Had you any information in regard to that, or did your investigations cover that case?—A. It would have been impossible for me to ascertain as to that. The man himself may have known why it was and he would not tell, of course.

Q. Have you reason to believe, from your knowledge of the subject-matter, that there are still upon the voting list many names that ought not to be there?—A. I have no question that there are upon the list from 3,500 to 5,000 names which ought not to be there. That is the judgment which I have formed.

Q. Do these names, under the operation of the State laws with reference to that matter, continue on the list?—A. Yes, sir.

Q. From your knowledge of the whole matter, and the fact that the State does not make like provision, do you think there is occasion for the existence of the United States election laws or not?—A. I think that where a State does not provide such laws the United States should provide them, but I also think that the Federal law should be made more efficient in its details.

Q. What modifications or improvements in the law would you suggest?—A. Such a change in the mode of appointment of the deputy marshals as would require them to be appointed by the circuit court on motion of the chief supervisor, the same as the supervisors are appointed, and would place the deputy marshals under the control of the chief supervisors.

Q. As the law now stands, is not the whole force of Federal election officers practically under the control or direction of the chief supervisor?—A. I do not so understand it.

Q. Practically, you found no difficulty in securing from the marshal's department all the aid that you wanted?—A. No, sir; but a difference of opinion arose between the marshal and myself relative to the duties of the deputy marshals. He acquiesced in my construction of the law, but if he had not, I had no power to do anything in the matter. The marshal furnishes to the deputies the instructions which they receive.

Q. You think that the statute ought to be made more definite in regard to that matter, so that the arm of the supervisor, in the enforcement of the law, may be felt without the intervention of the judgment of any other person?—A. I think there should be a responsible man at the head of the whole machinery.

Q. Have you any other modification to suggest with a view to making the law more efficient in that regard? Should provision be made with reference to the further investigation and prosecution of cases in which proof of fraud has been developed before the election?—A. The absence of any such provision is, I think, a great defect in the law. Under the interpretation which has been given to the law, the official tenure of the deputy supervisor has terminated with the close of the polls on the election day; consequently, the chief supervisor, having then no one to assist him in enforcing his requisitions or in carrying on any of the investigations which he may then wish to make upon the proofs furnished by his deputies, is unable to proceed further in the premises. The commissions of the deputy marshals expire, I think, on the day of the election, though the clerk of the court could state more definitely as to that than I can; my belief is that they are appointed up to and including the election day; therefore, so far as the deputy marshals are concerned, any frauds that are perpetrated on that day are allowed to remain without investigation, because there are no funds left to pay anybody for the service which such investigations would render necessary.

Q. Has any provision been made for turning over to the district attorney the mass of proof which may have been collected, so that the ordinary methods of prosecution may be resorted to?—A. The district attorney can of course have all the reports made to him, but he has nobody to investigate or follow them up and determine whether they are true or false. I think that the chief supervisor ought to have a corps of assistants for four or five days after the voting. I do not think it is necessary to continue their existence for any great length of time. In four or five days all the work that ought to be done could be done.

Q. What security do the laws of the State provide for a correct regis-

tration, for the depositing of the vote on election day, and for the protection of the suffrage against fraud ?—A. I have not looked into that subject sufficiently to enable me to answer the question.

Q. You found plenty to do with the machinery under your control ?—

A. I found a great deal to do, and, as I have stated, I do not think I more than half did the work. I do not by any means regard the twelve or thirteen hundred names as representing all of the names on the voting list in regard to which investigations should have been made.

Q. You speak of having marked some of the names on the list, after reports had been made to you, with the letter "C" and a blue line.—A. The meaning of that was that the parties were to be challenged at the polls.

Q. What is the result of the challenge ?—A. The form of challenge is described by State statute, and, among other formal ties, it requires that the voter shall write his name upon the back of his ballot; the purpose being, by means of the marks upon the ballot, to identify the person who deposits it in such a way that he can be detected and punished if, upon subsequent investigation, it is found that he was not entitled to vote.

Q. The purpose of the challenge then is to facilitate identification ?—

A. Yes, sir.

Q. But it does not prevent the casting of the ballot ?—A. No, sir. Special orders were given to the supervisors and the deputy marshals (I can speak as to the deputy marshals, for I heard the instructions given to them) to allow every one to vote who wished to vote. I stated to the supervisors orally that by the law every man whose name was on the list had the right to vote and the law had the right to punish him if he voted illegally.

Q. Repeat your statement, for I did not quite understand it, as to the character of cases in which you informed the men who were brought before you that they would be arrested if they voted at the polls ?—A. They were all cases of non-naturalization or inability to read and write.

Q. You investigated sufficiently to assure yourself of the existence of either of those two causes of disqualification, and then, upon the parties appearing before you, warned them that they would be arrested if they voted ?—A. Yes, sir.

Q. You did that in no case in which you were not thoroughly satisfied that the party was disqualified ?—A. I did that in no case in which the parties did not admit that they were disqualified.

Q. You did it upon their own admission of disqualification ?—A. Upon their own admission.

Q. Repeat the reasons you gave for keeping secret from these parties the existence of the warrants of arrest which were to be executed upon them in the event of their voting.—A. I thought that by so doing my work would be more searching; that if I did not give out the names, those whom I had detected as having been improperly registered would be frightened and deterred from voting, while those who were entitled to vote would come forward. I knew that no honest voters would be deterred and believed that dishonest voters would be deterred. Another consideration was that I did not feel like making the arrests for false registration until I had satisfied myself that the false registration had been perpetrated by the accused themselves and was not due to the negligence of others, the evidence of which would be found in the actual casting of ballots by such persons. Those warrants were not served, and I am now of course very glad that I did not serve them, because,

had they been served, the parties could not have been convicted before any court of law.

Q. That is, for the illegal registration?—A. That is, for the illegal registration.

Q. And that difficulty grows out of the loose way in which the registration is made?—A. It grows out of the loose way in which Mr. McCleary (the former city clerk) made the list, and the way in which Mr. Howard (of the board of registrars), who continues it, has testified that it was made and kept up.

Q. Do you think there is really any way of getting a correct list of the voters of this city and of the towns of this State whose lists are made up in like manner other than by beginning *de novo*, making new lists and requiring a new registration from the voter himself?—A. New York City does it every year and other cities and towns do it every year. I do not see why Massachusetts could not do it once in three years, or at least once in ten years.

By the CHAIRMAN :

Q. You think that, if done, the State ought to do it, do you not? You do not think that the Federal Government, through its agents, ought to come here to do it?—A. Somebody ought to do it.

Q. I ask you as to your opinion whether the Federal Government, with its machinery located at Washington, ought to come here to take part in the local government of your people or whether your people ought to govern themselves?—A. I think that the State ought to look after its voters upon a question relative to State officers, but the question as to what extent the general government should look after the voting for members of Congress and Presidential electors is one for men wiser and graver than I am to decide.

By Mr. BLAIR :

Q. You have no doubt, however, that where the State neglects to make such provision the nation should step in and see that such restrictions and safeguards as are necessary to insure a free and fair exercise of the suffrage in the choice of electors for President of the United States and of members of Congress are secured?—A. I think the ballot should be pure and free.

By the CHAIRMAN :

Q. Do you not think that the true way of getting a registry here is to be found only in the action of the legislature of your State and of your own people?—A. I think that the first step in that direction should be taken by the State, but whether the general government should not also look after voters at elections for President and members of Congress, is a question which, I think, has two sides to it. The vote of a single ward in the city of Boston may elect a member of Congress whose vote may determine the political complexion of the Massachusetts delegation in the House of Representatives, and, in the event of an election of President by the House, may decide the Presidential question. Therefore whether Congress should not look after the voting in that ward at a Congressional election is a question which I leave to men wiser than myself to decide.

Q. Do you think that the Federal Government, through its officials great and small, should come here and spend its money to enforce restrictions of the constitution and laws of the State of Massachusetts as, for instance, that of an educational qualification for voting?—A. I do

not think I could answer the question in the way in which it is put, because a direct answer would not be an expression of my opinion.

Q. You can answer yes or no.—A. It is not a question that can be answered by yes or no.

Q. But surely you have an opinion as to whether the Federal Government ought to come here to enforce State restrictions?—A. Certainly not, if to enforce State restrictions simply, but I do not regard an election of a President of the United States or of a member of Congress as a State matter; it is a national matter.

(The question was repeated.)

A. The Federal Government has the right to require that a member of Congress shall receive only legitimate and proper votes, and such votes are to be given in accordance with the laws of the State of Massachusetts.

Q. You say there are upon the registry of the city of Boston from 3,500 to 5,000 illegal names, or names that ought not to be there. Was not this registry carefully scrutinized and scanned by the Republican and Democratic committees before the election of last year?—A. I could not say. Being entirely out of the political world, I do not know what action was taken by the committees. I presume that all the ward business was done in Boston as it is done elsewhere.

Q. Then, upon what data do you base the statement that there are from 3,500 to 5,000 names illegally upon this registry?—A. Upon what I discovered in the short space of time that I was occupied in going over the matter.

Q. How many names were complained of as being illegally upon the registry?—A. Four or five hundred, I should think.

Q. How many persons were convicted for being illegally upon the registry?—A. None. As I told you, we abandoned all prosecutions. My opinion in regard to the number was formed from the testimony of the city clerk, who testified that he had been in the habit of copying names upon his own books from the assessors' books without knowing whether they were the names of voters or not. It was from that testimony that I formed that opinion. I think that I asked the city clerk as to the number of those names, and that he conceded there were 2,000 or more, but of that I am not positive. My impression is that I asked him about how many he thought there were.

Q. I am trying to get at the fact whether the State carefully scrutinizes her list or not.—A. I do not think that she does. I think decidedly not, so far as the city of Boston is concerned.

Q. Is there no scrutiny by the officials who make up the lists?—A. The list is the same that has come down to us from previous years.

Q. But not scrutinized from year to year?—A. No, sir; it is the same list; it is the list which has been published and which will be republished from year to year. The dead will be stricken off and those who have changed their residences will be assigned other residences.

Q. Who does that?—A. I cannot tell you.

Q. Do you not know who it is that purifies that list?—A. I do not.

Q. Is not provision made for an appeal to the courts of Massachusetts to take off names?—A. I think that the board of registrars do strike off names.

Q. You attack their action then simply upon the statement of the city clerk?—A. I do not attack their action at all. This board of registrars was appointed in 1874, and they took the list as they found it.

Q. What is the remedy? Is it that the Federal Government is to correct this list or that the State is to correct it?—A. I think that the

State ought to begin at it, and I urged, so far as it was in my power to urge, at the last session, that the legislature should take action in that matter. The subject was discussed for a long time and a bill prepared, but the bill did not go through.

By Mr. McDONALD:

Q. In the front part of the book which you have produced, I find a memorandum setting forth the number of appointments of deputy marshals at 225 for Boston and 13 for Lowell.—A. That is a memorandum of the whole number sworn in before me, but possibly some of those did not serve and were not paid.

Q. How many special supervisors were appointed for the city of Boston in 1878?—A. Two hundred and twelve.

Q. Were any appointed elsewhere; and, if so, how many?—A. They were also appointed for the cities of Lowell and Cambridge; in Lowell 10, in Cambridge 10.

Q. How many were appointed in 1876?—A. In 1876 fifty-two supervisors were appointed for the city of Boston, being two for each of the twenty-six voting precincts. The number of voting precincts was increased in 1878 to 106, each ward being divided into four or five precincts, making the number of special supervisors 212.

Q. State the number of deputy marshals appointed in 1876.—A. For the city of Boston in 1876 one hundred and seventeen deputy marshals were appointed. My records do not show their party affiliations. In the same year two supervisors were appointed for the town of Revere and 16 supervisors for the city of Worcester. No deputy marshals were appointed in either of the two last-mentioned places.

Q. Is Revere a town of over 20,000 inhabitants, or were the supervisors appointed there under the other provision of the law, which authorizes appointments to be made upon the application of ten citizens?—A. These appointments were made upon the application of ten citizens. The inhabitants of the town did not number 20,000.

By the CHAIRMAN:

Q. What reports were made by your supervisors in Worcester as to the condition of the voting lists?—A. Up to 1878 no request was made to the circuit court to appoint supervisors for any purpose other than the supervision of the voting. The registration was never scrutinized until 1878. In 1878 Lowell, Cambridge, and Boston were supervised; in 1876, Worcester.

Q. Was any return made by the supervisors, either in Lowell or Cambridge, of persons not entitled to vote whose names were upon the list?—A. The registration of Cambridge was not supervised; only the voting. The registration of Lowell was supervised, and the twelve supervisors there appointed reported to me no case of false registration.

Q. Were any arrests made for illegal voting or illegal registration in Lowell?—A. No, sir; nor were any made in Cambridge for illegal voting.

Q. About what is the population of Lowell?—A. I do not know. The number of voters is some nine thousand, I think.

By Mr. McDONALD:

Q. At the election of 1878 these appointments, in Boston, were made with reference to the election of members of Congress?—A. Yes, sir.

Q. What other officers were voted for or offices filled at the same election before the same election officers?—A. Governor, lieutenant-governor, members of the legislature, a dozen or more of State officers.

Q. Then it was a full State election, at which the chief officers of the State, members of the legislature, and other minor officers, as well as members of Congress, were elected?—A. Yes, sir.

Q. The warrants you had issued against these persons who, as you thought, had been unlawfully registered, were for their arrest if they offered to vote at that election?—A. Yes, sir.

Q. Then, as I understand you, these warrants would have been executed against such persons if they had voted for State officers alone, the same as if they had voted for members of Congress?—A. Yes, sir; I think the language of the statute is in substance that the ballot of a voter at an election at which a member of Congress is voted for is to be presumed to have upon it the name of a candidate for Congress.

Q. So that their voting for State officers alone would have made these men liable to arrest?—A. Yes, sir.

Q. As the State officers and Congressmen were voted for on the same tickets, on the same day, and before the same election officers, there could have been no distinction between them so far as concerned the action of the election officers, and therefore the execution of the Federal law with reference to members of Congress necessarily interfered with and affected the State election as well?—A. The law requires the election officers to scrutinize every ballot that is cast.

Q. The election officer is required to take special cognizance of ballots cast for members of Congress; but as all the ballots contained also the names of the candidates for State and local offices, there was necessarily involved a scrutiny of the State election as well as of the Congressional election?—A. Yes, sir; and my instructions to the supervisors were to count and report the vote for the two candidates for governor, so that by comparing with that the vote for member of Congress I might have an evidence of the correctness of their count.

Q. You had to have before you the result of the State as well as of the Congressional election in order to furnish you with the necessary information as to whether the law had been executed?—A. Yes, sir.

Q. In fact, then, the Federal supervision extends as well over State elections as over Congressional elections in this State?—A. You must draw your own inference from it.

Q. Is not that the fact?—A. No, sir; I do not think so.

Q. Where is the distinction?—A. The supervision is over the election of a member of Congress, but it necessarily acts upon the State election and insists upon purifying that as well as the Congressional election. I am only speaking of it as a matter of purification. I do not look at it from a political point of view.

Q. And I am looking at it with reference to how far the Federal law lays its hand upon the State authorities in the ballots cast by the electors for State officers.—A. I can only answer the question by saying there never has been the least conflict between the United States and State officers in the city of Boston; that everything has been harmonious. And I should judge from that there need be no complaint of interference at all.

Q. It may or may not be a very good thing at present for the Federal Government to take entire control of the elections in this State, but I am inclined to think that Massachusetts would make some objection to that. Now you undertook to purify the registry which the State had provided. I will ask you whether every man of the eleven hundred whose names you noted for challenge was not to be challenged if he offered to vote for State officers the same as if he offered to vote for members of Congress?—A. The law makes no distinction.

Q. That is true. So that therefore he was to be challenged at that election if he offered to vote, whether he offered to vote specifically for members of Congress or not?—A. Yes.

Q. At any election in this State at which members of Congress are not elected, your machinery is not at work and you have then nothing to do with the election?—A. We have then nothing to do with the election.

Q. Consequently all these persons who you have spotted for challenge in the investigations you have made would vote at the State elections when members of Congress are not voted for, or, if challenged, would be challenged by electors of the State or by State authority. So that if there was a special election in this State for governor, for instance (if the law made provision for that in case of a vacancy), all these men who you have undertaken to winnow out from among the qualified voters would then be voting under the laws of the State without any aid on the part of the Federal Government to assist the State in making her elections. I ask you now whether under the plea of securing a fair administration of State laws in regard to the qualifications of voters in elections of members of Congress (for it is only to such elections that this Federal machinery is supposed to be applied, though we find that in its operations and effects it covers a great deal more ground according to your statement about it), I ask you whether under such a plea you think it is right for the Federal Government to interfere in the elections of State officers and to influence the election of a governor, a lieutenant-governor, or members of a legislature?—A. That is a grave question, that I must leave to wiser heads than mine to settle. I can only say that so far as the supervisors' law is concerned it has worked very well in Massachusetts, and no complaints about it have been made that I have heard.

Q. I am not impeaching your official action, but am merely asking for your opinion. You would not for a moment claim that the Federal Government could pass a law such as that and make it directly applicable to State officers, would you?—A. Of course not.

Q. Does it not, then, come down to about this, the remedy of the old Virginia justice: When applied to for a search warrant for a turkey, the justice replied that he could not find any precedent for a search warrant of that kind, but that he would give the party a search warrant for a cow and while he was looking for the cow he might find the turkey. Is not this case about on a level with that one?—A. You must also pass upon that question.

Q. I notice that in your second instructions to the supervisors, those which you issued for their guidance on election day, you state that the law authorizes the arrest, without warrant, of any person voting or attempting to vote illegally in the presence of the supervisors. Do the reports made to you by the special supervisors give you information as to the number of persons so arrested, if any, at the last election?—A. All persons arrested are at once brought before me. None were arrested without a warrant.

Q. But the law authorized an arrest without warrant where the act was committed in the presence of the supervisor?—A. No arrest was made without warrant in this district at the election.

Q. It is the duty of the supervisors to make report to you of what transpired in their view, and what they did on the election day; those reports you have there before you, and you say they did not report any summary arrests of that class?—A. Yes, sir.



By Mr. BLAIR :

Q. The two separate offenses which it is the object of the law to prevent are illegal registration and illegal voting, and you felt authorized to issue, and did issue, warrants to prevent the commission of these offenses?—A. Yes, sir.

Q. The illegal registration takes place before the illegal voting?—A. Yes, sir.

Q. Would not the United States have the right to punish the illegal registration wherever it is liable to lead to the casting of an illegal vote for a national officer?—A. I do not so understand it.

Q. Wherever the illegal registration takes place there would be danger of an illegal vote for a member of Congress or Presidential electors?—A. Yes, sir.

Q. Therefore, I assume, the national power may be exerted to prevent an illegal registration in any event when a national officer is to be chosen. Now, to proceed further, where an illegal vote is to be cast for a member of Congress or for an elector for President and Vice-President, you would certainly understand it to be within the scope of the national power for the United States to make the arrest for illegal voting, and to punish the offender?—A. That is the very question I have been asked.

Q. By no means. I think that perhaps in the way the question was put there was a little confusion in your mind, as there was in mine at first. If the vote cast was for a national officer, there can be no doubt in your judgment as to the power of the national authority to punish the offense?—A. I think I would rather answer that I execute the law as I find it, and do not pass upon the abstract question of power.

Q. But let me call your attention to the further point. If the illegal vote is cast under State law and for a State officer, that would not be a vote of which the United States would have jurisdiction?—A. I presume not.

Q. Therefore there would be no conflict between the national and State authority in the proper execution of this supervisors' law. If the proof showed, as to a man brought before you, that he voted only for governor or any other State officer, you would not undertake to hold him under this law for a violation of a United States law, but you would turn him over to the State authorities?—A. I should not arrest any man for voting illegally at a State election, but should make the arrest for illegal voting at an election at which a member of Congress is voted for, because the statute defines that at an election at which a member of Congress shall be voted for the ballot of the voter shall be presumed to have upon it the name of a candidate for Congress.

Q. But when, upon your trying the case, the proof has shown that he has not voted for a member of Congress nor for any national officer, that presumption would be rebutted, would it not?—A. I could not answer that question without reference to the law. I have not the words of the statute in my mind.

Q. The presumption that the voter has voted for national as well as State officers may exist from the natural course of events, yet when the proof is developed on the trial that he did not vote for a national officer as well as a State officer, it follows that the vote is illegal because a violation of a State law, and the offense not within the jurisdiction of a United States court to punish. I think you will find such to be the law, and that the case would be dismissed by you for want of jurisdiction.—A. I should refer to the statute, and if the case did not come within it should discharge the accused. I will say in brief that if the proof showed

that the vote had not been given for a national office, I would order the discharge.

Q. I thought that it was a mere piece of casuistry. You went on to state further that no complaint had been made of the manner in which the law had been administered.—A. No complaint of the manner in which the law had been administered has been made.

\*By the CHAIRMAN:

Q. Was any difficulty or disorder at the polls in November, 1878, reported to you?—A. No difficulty or disorder of any kind. Perfect order and harmony prevailed throughout the city.

Q. How many policemen are there in the city of Boston?—A. I am unable to answer.

Q. You have a large police force here?—A. I presume so.

Q. Was there any necessity for the presence of marshals, in addition to the police force, to preserve the peace at the polls in the city of Boston at the last election?—A. There was no necessity for their acting, whether there was a necessity for their being appointed or not.

Q. Was there any contest that required the arrest of a single individual in November, 1878?—A. I had one hundred and sixty warrants to serve, and deputy marshals were required to serve those.

Q. They served how many on election day?—A. I could not tell how many they served.

Q. How many did you serve?—A. I served twenty.

Q. How many marshals had you in the city of Boston?—A. Two hundred and twenty-five, I think.

Q. They served twenty warrants on election day. How many men were convicted under them?—A. I could not tell you that; there are 106 precincts.

Q. That is not the question; I want results. There were 225 marshals and 20 arrests. What do you know about the number of convictions under those arrests? I ask for a mere general statement.—A. I have been told that every one that was tried was convicted. Now, if you ask me how many were tried, I would have to say I did not know.

Q. You do not know how many were tried?—A. I think that some eight or ten were tried. Four were discharged and one was defaulted.

Q. So far as the supervisors of election were concerned, was there any necessity practically for their presence at the polls?—A. That comes back to the whole question.

Q. Certainly. I ask you the question again whether there was practically any necessity for the presence of the supervisors at the polls?—A. I was required to appoint supervisors, and I did so.

Q. I do not ask that.—A. I do not express any opinion about that.

Q. You cannot say whether there was or not?—A. I merely did my duty as a magistrate.

Q. Do you not think that the officers of election appointed under the authority of the State of Massachusetts were sufficient to conduct an honest, free, and pure election in the city of Boston in November, 1878?—A. Undoubtedly the city of Boston has the power to enforce an honest and pure election if it chooses to do so; I have no doubt of that. With regard to the appointment of deputy marshals, you asked whether there was a necessity for them, and my reply is that under their appointment there was perfect peace. Whether or not there would have been peace without them, I cannot tell you.

Q. They did not arrest anybody for illegal voting, except as they made arrests on the twenty warrants that were issued before the elec-

tion?—A. What would have happened if they had not been there with their badges on, I cannot tell you.

Q. They had their badges on?—A. I presume so.

Q. The policemen were there with their badges also?—A. I think so; I was not about the polls.

Q. Do you think that the State of Massachusetts is able to enforce the laws and maintain the peace at her elections?—A. I do not know. I know that so far as I am called upon as supervisor I shall enforce the law.

By Mr. BLAIR :

Q. Mr. Dean and his friends applied for the appointment of these supervisors at the election in the first instance?—A. Yes, sir.

(NOTE.—On the following day the witness appeared and made a statement, as follows :)

I am now prepared to answer the question which Senator Blair asked me yesterday in reference to the number and political sentiments of the deputy marshals appointed in November, 1878. I find that in the city of Boston there were, in all, 216 appointed. Of these, 130 were Republicans, 58 were Democrats, 18 were members of the Greenback party, and 10 called themselves Independents. In the city of Lowell 7 Republicans and 6 Democrats were appointed as deputy marshals. I make this statement from the records on file in my office.

Adjourned.

BOSTON, Aug. 14, 1879.

The chairman submitted in evidence Articles III and XX of the articles of amendment of the original constitution of the State of Massachusetts, and sections 12, 13, 14, 15, and 16 of the act of May 11, 1878 (Statutes of Mass.), in relation to registration and elections in the city of Boston.

These are as follows :

FROM ARTICLES OF AMENDMENT TO CONSTITUTION.

ART. III. Every male citizen of twenty-one years of age and upwards (excepting paupers and persons under guardianship), who shall have resided within the commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators, or representatives, and who shall have paid by himself, or his parent, master, or guardian, any State or county tax which shall within two years next preceding such election have been assessed upon him, in any town or district of this commonwealth, and also every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators, and representatives, and no other person shall be entitled to vote in such elections.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this commonwealth, who shall not be able to read the constitution in the English language and write his name: *Provided, however,* That the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age, or upwards, at the time this amendment shall take effect.

[NOTE.—The foregoing Art. XX took effect May 1, 1857.]

FROM THE ACTS AND RESOLVES OF MASSACHUSETTS. ACT OF MAY 11, 1878, ENTITLED "AN ACT IN RELATION TO REGISTRATION AND ELECTIONS IN THE CITY OF BOSTON."

SEC. 12. The city registrar shall, on the first day of every month, and, also, two days before every election, send to the registrars of voters a list by wards of male per-

sons over twenty-one years of age deceased within the preceding month, or since the last time of sending such list; and the names of such persons found upon the voting lists shall be erased therefrom.

SEC. 13. If the name of a qualified voter shall be erroneously erased from the published voting list, he may apply to the registrars of voters at any time before the closing of the polls for its restoration; and if he shall prove that his claim be valid, his name shall be restored to the voting list, and he shall be given a certificate thereof, if such restoration is made on the day of election; on presentation of which to the officers of the precinct in which he was entitled to be registered, he shall be allowed to vote therein; and the certificate shall be returned and preserved in like manner with the ballots cast in said precinct.

SEC. 14. On complaint in writing, under oath, made by any voter of the city at least seven days prior to an election, setting forth that he has reason to believe, and does believe, that any one whose name is on the voting list has not the legal qualifications of a voter, and setting forth the nature of the alleged disqualification, it shall be the duty of the registrars, if they shall be satisfied that there is reasonable ground for such complaint, to summon such person to appear before them at a time and place named, and to examine him under oath in regard to the matter set forth in the complaint, and if satisfied that he is not a qualified voter, his name shall be stricken from the list.

SEC. 15. If the registrars are not satisfied as to the identity or qualifications of an applicant for registration, they may make such examination of said applicant under oath as they may consider necessary or proper to verify the fact that he is possessed of the constitutional requirements of a voter, and said registrars, as soon after the second day of September in each year as may be necessary, shall hold evening sessions in or near each ward for the performance of any and all the duties imposed upon them by the provisions of this act: *Provided, however,* That they shall hold not less than ten evening sessions prior to the annual State or municipal election.

SEC. 16. The registration of voters shall cease at 10 o'clock in the evening of the fourteenth day preceding the day of any election, and no name shall thereafter be entered on the voting-lists except as provided in section ten, chapter three hundred and seventy-six, of the acts of the year eighteen hundred and seventy-four, or to restore a name erroneously stricken off as hereinbefore provided.

The CHAIRMAN. Article XX of the articles of amendment to the Constitution took effect upon May 1, 1857.

JOSEPH M. WIGHTMAN sworn and examined.

By the CHAIRMAN:

Question. State your official position with regard to the elections in the city of Boston.—Answer. I am now, and have been for two years, chairman of the board of registrars of voters of the city of Boston.

Q. You were mayor of the city at one time?—A. I was; in 1861-'62. I became connected with the board of registry two years ago last April.

Q. Of how many members does that board consist?—A. The number established by law is three. There are but two registrars in office at present (Mr. L. E. Pearson and myself); the term of office of one of the registrars having expired on the first Monday of last April, and the vacancy not having yet been filled. The members serve for three years; one being appointed annually by the mayor, and the appointments being confirmed by the board of aldermen.

Q. Specify the duties under the statutes of Massachusetts of this board of registry.—A. The duties are, in brief, under statute law, to prepare a correct list of the qualified voters of the city of Boston. Various statutes have been passed in pursuance of that, and they appear, so far as our judgment is concerned, to meet every exigency that may arise. We act entirely under statute law, not under any of the ordinances of the city, but our appointment, our salaries, and appropriations are made by the city council of the city of Boston.

Q. Have you any pamphlet copy of the statutes, gathered together, relating to the subject-matter of the registration at elections?—A. We have not.

**Q.** Whence come the data upon which you base the voting-list?—**A.** Early in the year, perhaps in the month of March, we send to and receive from the collector of taxes certain books containing the names of persons who have legally qualified themselves for voting by paying a tax. Our clerks, taking those books and the voting-list of the year before, which is printed and has been prepared carefully, compare every name on the printed voting list with the list of payments furnished from the collector's office. In every case of such payment being shown, the name is checked on the voting-list. The names of voters appearing as having been duly qualified in the year previous remain on the list, as the fact that they complied with the law and paid their taxes in the previous year continues their qualification for the next year. This proceeds until about the 1st of May, on which day, as required by law, the assessors proceed to visit every block, every house, and every tenement in the city of Boston, for the purpose of ascertaining the number of assessable polls (that is, males over twenty-one years of age), without regard to their being voters. There are in the city of Boston about ninety thousand assessable polls. The assessors, with their several clerks, go around nominally every day from the 1st of May until the 15th of July, when they complete their work. The assessments are made by three assessors of different grades and their clerks, assignments being made to the different wards. We arrange in the beginning with the principals to have the clerk of the ward assessors in each ward prepare for us a carefully-drawn list of the whole assessed vote. The form for the list is supplied by us, and is identical with that which I now hold in my hand, having letters on the margin. Each day's work of the clerks of the assessors is transmitted to us, and is required to pass through the collector's office. Our clerks, therefore, are continually examining these names, ascertaining who have changed their residences, where such parties have removed, and what the business of the party is in each case, so that we are able to identify each individual. The entry which is made upon our books is in this form: If, for instance, the individual is in ward one and upon page 18 of the assessor's book, we enter the name upon our book under the letters, "ward number one, page 18." Then if the name of the man is the first upon the page it is marked "A"; if the third on the page, it is "C", and so on. The name is carried out in full, the residence of the party in the previous year being given, with his business or occupation. These sheets as they come in, being in a loose form like that to which I now call your attention, are given to the clerks, by whom a comparison is made of these names with those upon the voting-list for the previous year; and, after careful examination, if found to be correct, a second check (the assessor's check) is made upon the list. This portion of the work in correcting the names is the portion upon which we are now engaged, and have been since the 15th of July. We have a telephone connecting our office with the office of the assessors, which facilitates the labor of making corrections. If the initials of a name which appear, for instance, on the voting-list of last year as "J. L." are reported by the assessors "J. T.," we immediately send over to the assessor's office the original record and have the correction made. That is the process up to that point. In that way, of the sixty thousand names which we have upon our voting-list, about fifty to fifty-five per cent. remain over year after year, without any change and without any trouble, but with the privilege of recourse to us or to the assessor for correction.

**Q.** Up to the 15th of July, you have then the original pay-list of the previous year with the checks of the tax collector, next the check of the

assessor, who has gone around the ward, investigated as to whether the man lives there, and whose check is made after an actual inspection by him ?—A. Yes, sir.

Q. Those reports come to you in the registrar department, and you check and correct the names on the voting-list in accordance with the reports of the assessors and collectors ?—A. Yes, sir.

Q. In that way, by comparison with the list as it was before and by these checks, you have the list purged by the 15th of July ?—A. Yes, sir. The assessor's list this year closed on July 15, and, at this time, we have not yet entirely completed this preliminary work.

Q. Give the steps from that forward.—A. That completes the preparation of the registry-list for printing. The law requires the registrars to have posted in all the precincts of the city of Boston previous to an election—twenty-four days previous is the specified time—printed copies of all the names of qualified voters found by them up to that time. Those who have not become qualified by paying their taxes are not contained in that list because they have not at that time completed the qualification required. Having posted the lists, we advertise in all the dailies the fact that we have complied with the law in posting the lists, and accompany this with a request to the citizens to examine those lists, to see whatever omissions or errors there are in them; and, if any, to have them corrected at the registrar's office at their earliest convenience. This process of correction goes on from the time of the posting of the lists until the close of the registration, which occurs fourteen days before the election.

[The contents of a book of official election records of 1878, including the notice to voters, &c., were here exhibited by the witness, who added that of the total of 53,853 registered voters in the wards and precincts of Boston, 47,890 voted; the total number of polls being 87,979.]

Q. Are the names of all citizens whose right to vote has been determined after examination by you, posted publicly throughout the wards ?—A. Yes, sir; and the residence of each. The public attention having in this way been called to the names, those who intend to vote or are interested in seeing that others vote, examine the lists which are posted prominently in public places in every precinct upon boards that are shielded from the weather. If a man finds that the name of some one intending to vote is not there he goes to him and inquires why it is, and learns that the party has not paid his tax and has been dropped off. Consequently they then go to the assessor, get the tax-bill, go to the collector and pay it, and bring the bill to our office, when, upon the presentation of the paid bill, we restore the omitted name to the list of voters.

Q. Up to what day does that process continue ?—A. That goes on until fourteen days previous to the election, when the registry closes. As affording a good idea of the extent of this work I may mention that in round numbers about 15,000 names were added last year after the original printed lists had been posted.

Q. Of men who had not paid their taxes ?—A. Of men who had not paid their taxes, or who did not occupy their former residences and whose names had been left off in consequence of removals from one ward to the other or from one precinct to the other. These also included a third class, namely, those who having come of age or having moved into the city were to be qualified as new voters, and finally those who had recently become citizens by naturalization.

Q. Is your office open continuously until the close of registration ?—A. It is open continuously all the year round; that is to say, there are

always in attendance three registrars and a permanent clerk. When pressed we employ temporarily a force of from four to fifteen clerks.

Q. State the process of purging these lists after they have been thus made up. When an allegation is made from any source that a name is improperly upon the list, what is the process by which that name is examined into?—A. A bill which we had introduced in the legislature in 1878 proposed to give us the power to administer oaths to individuals where there was any question in regard to the proper qualifications of any one upon or proposed to be put upon the list. It provided for an examination upon the representation of any citizen who would appear and make a written statement, under oath, before a justice of the peace, that he believed or had reason to believe that a certain individual upon the voting-list, describing him, was not properly qualified. That bill would have given to our board a certain judicial character. The process, however, is this: Upon such a representation being made to us, we issue to the individual referred to a summons and proceed to examine and see if he is qualified. That which I now hold in my hand is the form of process made use of. This form was prepared not by our board but by Mr. Chandler, I think, for the bureau of inspection, and being perfectly satisfactory to us was adopted by us. The file of papers before me contains the complaints of illegal registration which were made by the bureau of inspection. Perhaps it would be well for me to read one of the complaints as made out, in order that the committee may have the form before them.

[NOTE. The production of a copy of the blank (printed) form of complaint having been requested by the chairman for insertion in the record, the form of complaint read from by the witness is given at this point not only as a portion of his remarks but as a literal transcript of the form itself. The italics indicate the portions of the original that are in writing. It is as follows:]

To the board of registrars of voters of the city of Boston.

COMPLAINT UNDER THE GENERAL LAWS FOR 1878, c. 243, § 14.

The complaint of *Samuel Frost*, of ward eight, precinct , in said Boston, a legal voter in said city, states:

That he has reason to believe, and *does* believe, that one *Rodney P. Wright*, 44 Cambridge street, whose name is on the voting list for ward 10, precinct one, has not the legal qualifications of a voter, and that the alleged disqualification is *non-residence*.

Wherefore your complainant prays that said *Rodney P. Wright* be summoned to appear before your board, at a time and place to be named, which time shall be before the election next ensuing, and that he be examined, under oath, in regard to the matter set forth in this complaint, and, if the charge be sustained, that his name be stricken from the list.

(Signed)

SAMUEL FROST.

SUFFOLK, ss., Oct. 25, 1878.

Then personally appeared the above-named *Samuel Frost* and made oath that the statements in the above complaint, by him subscribed, are true.

Before me—

BENJAMIN KIMBALL,  
Justice of the Peace.

The WITNESS. I have here 29 papers like the one I have just read, all of which were prepared by the bureau of inspection. The process in all such cases was to summon before us the party and to examine into and ascertain the facts. Take, for instance, the name as to which the complaint I have just read was made. We would find that upon

the assessor's list the name of Rodney P. Wright had been returned to us as a resident of, we will say, No. 1 Staniford street. Mr. Wright was summoned, and upon investigation it appeared that when the committee of the bureau of inspection went to No. 1 Staniford street in October, they found that Mr. Wright did not live there. It then appeared that Mr. Wright had happened to remove from his place of residence at No. 1 Staniford street to a residence a short distance away on Hancock street, for instance, in the same ward, but not in the same precinct. The statute requires the voter to vote from the house and in the precinct in which he resided upon the first of May. It matters not where he may move to *ad interim* throughout the State; if he votes, he must go back and vote in the ward and precinct in which he was assessed on the first of May. For this reason the complaint as to Wright was marked "dismissed," as he had not moved away from the city, but was entitled to go back to the precinct in which he resided on May 1st and to vote from No. 1 Staniford street. All of the papers in the file before me (relating to the disqualification of alleged non-residents) were disposed of, I believe, in the same way. Many of the complaints were marked "dismissed" because of errors as to residence, these errors arising because the supervisors who went around in October had not found men residing at the places at which they did reside when assessed in May. A large amount of labor necessarily devolved upon us under the law, and we were interrupted by these complaints when making final corrections of the list, but being desirous of gratifying the citizens in every way, we complied with whatever demands were made upon us aside from our regular duties.

Q. (By Mr. McDONALD) A change of residence after the first of May does not affect the right of the individual to vote at the place at which he was assessed?—A. No, sir; and we have no right to change the residence even upon notification. If a man notifies us that he has moved, for instance, from ward 1 to ward 10, the fact is made use of in the next year, when the new assessor's list is made.

By the CHAIRMAN:

Q. Full opportunity is afforded to investigate the right of any citizen to be upon those lists?—A. Yes, sir.

Q. Did the political parties in the last election make complaint to you of persons illegally upon the lists in order to have their names taken from the lists, and did they have an opportunity to ascertain and did they ascertain the facts in regard to those persons?—A. They did. But the only investigations that were brought to our attention were these that were made in the form prepared by the bureau of inspection. This bureau was established by a body of persons who called themselves "Young Republicans," for the purpose of preventing fraud. As we, in our office, are desirous of preventing every kind of fraud, we not only have no objection to, but are happy to have the assistance of those gentlemen and of every one else in that direction.

Q. This was a voluntary organization?—A. It was.

Q. How many complaints in regard to names alleged to be upon the list illegally were made by that bureau of inspection prior to the election of 1878?—A. They attempted to carry out their ideas through the appointment of a certain number of "Young Republicans" in each of the wards, whose duty it was to go around and ascertain, as far as possible, the legal qualifications of the voters within their several bailiwicks or precincts. They performed the duty to a certain extent, but it was only to a very limited extent. I think that some twenty-nine are all the



complaints that I have upon record from them. As to those, there was but one, or at the most two, who proved to be not qualified to vote, and who had not voted. As to all the others, explanations were readily made.

Q. Does the power to purge the lists and take off improper names exist in your board from July 15th, when the names upon the lists are posted, until fourteen days preceding the election?—A. Yes, sir. There is no general public knowledge of the voters until we publish the names in the voting lists twenty-four days before the election.

Q. Until the day of election they have twenty-four days for the purpose of purging the lists and taking from it illegal names?—A. Yes.

Q. Was the contest of last fall a heated one?—A. It was; very.

Q. This bureau of inspection organized for the first time last fall, in November?—A. I believe it was organized then. It might have existed before under other forms, but it existed as an organization at that time.

Q. Was Mr. Chandler connected with that organization?—A. Who the chairman was I do not know. We knew of Mr. Parker C. Chandler as having authority to act for the bureau of inspection.

Q. From the care you have given to the registry list and the opportunity which you and your associates have had to purge it, state your opinion as to the proportion of illegal names, if any, that were upon that list on the morning of the election.—A. My opinion is that the number was very small. Although I should not dare to say there were none, at the same time I can present to your committee the record, which is unchallenged, and which will show you exactly what I have said about it, and that is, that the purity of our lists on the morning of that or any other election, when they have been presented to the board, has been almost perfect. The bureau of inspection presented to us for our examination 899 cases of names which they had copied from the list of Commissioner Hallett. Under the law these cases should have come to us directly, and not through Judge Hallett's court.

Q. Who presented those?—A. They were presented by Mr. Parker C. Chandler on behalf of the bureau of inspection, and were very voluminous, making a batch like that which I have here. Upon finding, as I did, that these names had been obtained from the lists of Commissioner Hallett, I questioned the propriety of receiving them, for the reason that they were unaccompanied by any allegation of personal knowledge on the part of those by whom they were submitted. An oath that the person knows the things alleged is required in such cases; but as these parties did not personally know anything about the names, and as the list was a copy, it was questionable whether we ought to take the names. I finally, however, determined to go through the list. Of the whole number of names presented (899), there had already been erased from the voting lists, on account of deaths and removals from the city, 333. I will explain as to that, that the supervisors and marshals in the several districts or precincts, when reporting the fact of a death, were not aware that, under our statute, the registrar of births and deaths sends to our office weekly a statement of the deaths of all persons over twenty-one years of age. By means of these statements the names of deceased persons are expunged and our lists in that particular corrected from week to week. These 333 names had, therefore, been stricken off before they were presented to our notice in the manner I have indicated.

Q. The list had been purged of those by the operation of the statute law?—A. Yes, sir. Of the remainder of those 899 names there were 314 as to which complaint was not sustained; that is to say, in that number of cases (every one of which was investigated) the parties ap-

peared and the charges of disqualification by reason of inability to read and write or other reasons were not sustained. Sixty-nine were cases of death reported by the city registrar. Of the total, there were upon our list but 37 names of persons disqualified, and of those 37 which were erased for disqualification, we found that, so far as our list was concerned, 30 had not voted within four years. This fact we ascertained by reference to the lists which were in use in the several precincts at the elections in the preceding four years, and which show, by the appearance or non-appearance of the check-mark of the ward-room inspector, whether a man whose name is given there did in fact vote or not—these sheets having subsequently been bound in a large book and kept for reference. There were 116 names as to which the parties did not respond to our summons. As no *capias* could issue, no response was made in those cases. In order to keep the list as free from fraud as possible, we marked on the margin, in red ink, opposite to each of those names, the letter "C," the meaning of which is that the party is complained of and has not responded. We then sent to the warden of the precinct in which any of those names appeared a letter or circular (this accompanying the voting-list, which is sent from our office at six o'clock on the morning of the election) containing a list of the names marked "C," with a request to him, before receiving their votes, to carefully examine for himself and see that the persons so indicated are qualified, and, if not qualified, not to receive their votes, but to report to our office. From that source we received no complaint. Therefore, Mr. Chairman, having made that statement, I call attention to the fact that, with 54,000 voters on the list; with the scrutiny which was exercised by the United States supervisors and United States marshals; with the indefatigable industry and enthusiasm which naturally characterized the efforts of the young Republicans in an election that was so excited as was that of last fall, that, with all the complaints that were made at our office, there were really and absolutely (with the exception of a few who were tried and bound over here) but two out of the seven who could be regarded in any way as having been guilty of fraud. I say but two, because the others were poor ignorant negroes, freedmen from the South, who were residing by themselves in ward 9, who had voted for the first time, as one of them said, when General Grant was nominated, and who had no idea of the years, and could neither read nor write. Those four poor negroes were charged, arrested, and brought here, but were as innocent of a fraudulent intent as would have been a child three years old. If our voting list for the city of Boston, a city of 350,000 inhabitants, is so correct that, with all this thorough scrutiny and all this effort to show errors, there are less than half a score of names as to which there is a charge of even a shadow of fraud, I suggest that it seems entirely unnecessary to have any particular laws in regard to it. One word more, Mr. Chairman, in connection with this. I will say that we are rather proud of the character of the registration in the city of Boston. It is the only city of the commonwealth in which there is a properly organized board of registration. Therefore, if the city of Boston is to be held up at all, she should be held up for example and emulation, rather than for censure and reproof.

Q. Your opinion, then, is that the laws of the commonwealth as executed by you and your colleagues are sufficient to protect the purity and honesty of the ballot in the city of Boston?—A. Entirely better than in any other town or city of the commonwealth.

Q. Of the 899 names that came to you from the supervisors or marshals, how many, upon careful examination, did you find to be those

of men of whom any suspicion could exist?—A. I did not receive any official communication, and none other than the copy which was sent by the bureau of inspection. The paper I have now here is the copy.

Q. Can you furnish the committee with a copy of that?—A. I will be glad to do so.

Q. What is the political complexion of the board of registrars?—A. It is at this time composed of one Republican and one Democrat; the term of the late member, Mr. Howard, having expired. Mr. Howard ranks as a Republican, but there are no politics in our office at all.

Q. Does the statute creating the board make it necessary that the members should be of different political parties?—A. The statute does not, but custom does.

Q. Has the board been regarded as a political one?—A. No, sir.

Q. How many names of voters or persons qualified to vote in the city of Boston appeared upon your lists prior to the election in November, 1878?—A. The number of registered voters at the State election was 53,853. There were 47,890 votes polled, showing that about nine per cent. of the vote was not polled.

Q. What was the total number of polls or males over 21 years?—A. 87,979.

Q. That is the total of males alone and does not include females owning property?—A. No, sir; these are assessed polls, not assessed tax-polls.

Q. (By Mr. McDONALD.) Does your law assess for a poll tax all males over the age of 21 years?—A. All over twenty and without any limit as to age above that.

Q. (By Mr. BLAIR.) And without any limit as to nativity or naturalization?—A. Yes, sir.

By Mr. McDONALD:

Q. The citizen is required to pay that tax before he can vote?—A. He is obliged to pay a tax within two years, and this payment may be made at any time before the close of registration, which occurs fourteen days before the election. He can go to the assessor's office, pay his bill, have the bill receipted, and then come to our office (where the stamp upon the bill is taken as evidence) and have his name restored to the list, when he becomes a voter. You may judge how extensive that was at the last election, when out of the fifteen thousand at least ten thousand names had been omitted on account of the tax.

Q. At your November election, when members of Congress are voted for, your most important State officers are also voted for?—A. Yes, sir; at what we call our State election we vote for governor, lieutenant-governor, members of Congress, and members of the legislature.

Q. So that all these safeguards for the purity of the ballot-box and to secure a perfect registration of qualified voters and none others which have been provided for your State elections apply equally and alike to the qualifications of voters at elections of members of Congress and elections for State officers and members of the legislature?—A. Yes, sir.

[The witness here proceeded, with the permission of the committee, to detail the process of qualifying a voter: first by means of the registration, and secondly in the matter of voting. Premising with a statement of the ordinary requirements of a residence of one year in the State and six months in the city, he continued:] We will suppose that the applicant is a young man who has just come of age. He appears at our office and as a pre-requisite, produces his tax bill. The first question put to

him is, "Have you voted before?" He answers, "I have not." The usual questions are then put: "Are you a native of the United States?" "How old are you?" "Can you read and write?" His answers are made matters of record in our books. We then enter his name in a record book properly bound, making the entry at the place indicated for the ward and precinct and accompanying it with the number which belongs to his name upon the assessor's list. We then turn the book over to him and have him write his name in the next column, also his age, birth-place, residence, and occupation. These are all put upon one line."

Q. He has, in fact, registered himself?—A. He has, in fact, registered himself. We then comply with the constitutional requirement that every registered voter shall be able to read the constitution of the State of Massachusetts, and have a printed copy of it in proper form. As the applicant has demonstrated that he can write, the presumption is that he can read, but we are required to have actual evidence of the fact; and whether he is a doctor of laws or of logic, a minister or a lawyer, the man must read to the registrar a certain clause in the constitution. This having been done, we enter his name upon our registry book exactly as he has written it, giving the page and the number of his name on the assessor's book as shown by his tax bill, in order that we may trace him at any time. That is the process in the case of a native of the State, and it is the same as to citizens who have moved into this State from other States.

Q. It has been suggested here that parties may personate others who do not possess the educational qualifications to enable them to register.—A. I have no doubt that that was formerly done; I have strong doubts whether it is now feasible, and I am not aware of any case of that kind during last year. The establishment of this board of registrars dates only from the year 1874. Previous to that time, in this as in all other cities and towns of the commonwealth, the city clerks and selectmen exercised the privilege of preparing the lists of voters. The work was done with extreme carelessness and without that regard for its importance which would naturally arise with the growth of population. In the case of Boston, for instance, we have annexed in the last ten years the towns of Charlestown, Roxbury, Dorchester, West Roxbury, and Brighton, in all of which places (the people there knowing each other in a friendly way and not being very particular) there was always a great laxity in the method by which their voting-lists were perfected. Their lists came to us in the course of annexation. In fact, no one of those cases of disqualification to which our attention was called last year originated in our office.

Q. Had any of them originated from personating in the manner I have suggested?—A. I presume there were a very few that did. We had knowledge of several.

Q. If any such personation took place, the party personated would be obliged to have from your own registry all the qualifications for voting except the ability to read and write. He would have to be registered at his real place, by his true name, with his exact number and in his particular ward, so that if he lacked any qualification at all it would be that of being able to write his name and read the Constitution?—A. Yes, sir. I am not aware of a single instance of false personation of names. With your permission I will resume: Having described the manner of proceeding with new voters, I will now say something of the care with which we register the naturalized citizen. We of course make due allowance for his want of education. As a general thing, the most earnest of the applicants for citizenship are from among our foreign pop-

ulation. He appears and I ask him, "Bernard, is this your tax paper?" "It is." "And your name is what?" He repeats it. "This is your naturalization paper?" "Yes." "What is your name?"—quick, without any chance of his having had time to anticipate the question. "Where were you born? How old are you?" The facts as to those two questions we take from the naturalization paper which has been duly passed upon by the court, and as our questions are in the nature of a cross-examination, we have a right to judge from the paper whether the man is the one whom it represents. Proceeding, of course, as courteously as we know how, our duty being to give every citizen his full rights, we ask, "Bernard, can you read and write?" "Yes, sir; some." "Let me see if you can read this?" Then we pass to him our printed constitution, and direct his attention to a paragraph. Perhaps he may spell one word, still he reads, and with care could read the whole. Having read that, we remark, "You read very well; now, can you write?" "Yes, sir; some." "I think you had better take a sheet of paper and let me see if you can write." So I give him a sheet of paper, and while I am attending to other registration, I let him write his name. I see that he can write, and then turn to the book, and the process goes right on with the entry of his number, page, precinct, &c., and then I write his name.

Q. (By Mr. BLAIR.) What is your statement—that you write his name because he cannot?—A. I write his name in this column [indicating]; the next is for his signature. He then proceeds to write his name in the space assigned for it. I would be pleased if the committee would take the trouble to look at those books and observe the manner in which each is kept. Now these men may be charged with false registration because they do not write a very legible or very beautiful hand, but there are many of our most eminent men who cannot write very beautiful hands, nor quite as legibly as our poor laborers; consequently, that is not a disqualification. The earnestness with which those poor men tried to struggle to write their names in order to comply with the constitution was evidence to my mind that they were *bona fide* the real parties who were being registered. I think that previously there had been some cases of fraudulent representation in our office, but personally I have no knowledge of any single instance of fraud by parties through fraudulent representations of themselves or others.

The witness here explained that under the former system of voting by wards, in consequence of the overcrowded condition of some of the wards (particularly of ward 6 and ward 7, where there were many Irish laborers and others who had but little time to spare for voting on the election day and who, in their anxiety to vote, would gather in crowds in the ward rooms at the dinner hour), it became very difficult for the election inspector to keep his record of the voting with even comparative accuracy. These inspectors having been selected not by reason of any special aptness for their places, but mainly because of their having been good politicians, the difficulty in the way of preserving a reliable record was thereby enhanced; the rapidity of the voting rendering it almost impossible for the officer, unless an expert bookkeeper, to check all the names as voted. The consequence was that, as to these overcrowded wards, charges were frequently made that the number of votes cast was in excess of the number of names checked on the lists. In ward 6, the total of names on the voting list was 2,200, and with all the voters voting between the voting hours (from eight o'clock a. m. to four o'clock p. m.), the average rate of voting for the whole time would be four or five per minute, or, if intervals occurred, even as many as ten per minute.

The impossibility of preserving accuracy in the process of checking at the polls in such a case was manifest. To obviate the difficulty, the witness, after an investigation of the New York system, urged at the session of 1878 the enactment of a law, originally prepared by Mr. Chandler, providing among other things for a division of the twenty-five wards of the city into 106 voting precincts, with a warden, clerk, two inspectors, and one ballot-box for each precinct. This legislation was enacted in 1878. Under it, the mayor of the city appoints one Democrat and one Republican as the inspectors for each precinct, and it is their duty to take charge of the voting lists and jointly to scrutinize the man proposing to vote.

Q. (By the CHAIRMAN.) That makes it compulsory upon the mayor to make the appointments from the different political parties?—A. Yes, sir; the result of this new arrangement has been to prevent any confusion in our wardrooms, and it has, I believe, given universal satisfaction to both parties.

By Mr. McDONALD:

Q. Can you give the names of the State officers who were voted for at the election of 1878?—A. No, sir; I have not the list here. It does not come within the purview of our office.

Q. The voting in this city is by ballot, and the names of the candidates and the offices for which they are being voted for are printed upon the ballot?—A. Yes, sir; the names may be written afterwards or changed.

Q. Upon that same ballot are also printed the names of candidates for Congress who are voted for; in other words, the names of the State officers, candidates for the legislature, and candidates for Congress are all printed upon the same ticket and deposited in the ballot-box at one operation, are they not?—A. Yes, sir; at one operation.

Q. You do not have ballot-boxes for State offices, county offices, and members of Congress separately, but you have but one ballot-box for all ballots and but one set of election officers, who scrutinize the voters and receive and count the ballots after the voting is over?—A. Yes, sir.

Q. I ask you whether the execution of the laws of the United States through the medium of supervisors of election and deputy marshals, acting in conjunction with the supervisors in matters of the election, is necessary to secure in the city of Boston a free and fair election of members of Congress?—A. No, sir; it is not.

Q. I ask you whether in the practical workings of those laws, so far as you may know the fact, the election officers derive any real or substantial benefit from the action of any of those Federal officers or not?—A. We never had them until last year. Heretofore the supervisors were merely present at the election in each ward, not at the registration; they had nothing to do with the qualifications of voters, but were merely supervisors as to the number of votes and the character of the votes that were cast in the various wards.

Q. You say that in 1876 the supervisors took no cognizance whatever of the registration or of the purging of the registration?—A. No, sir; they were only employed one day.

Q. And that was to see that the vote was received and counted afterwards?—A. They re-counted the votes after the wardens and inspectors had piled them out in piles of one hundred, going carefully over and scrutinizing them, and then made their own statement. I see no objection to that. I say that where the supervisors are joined with the

city officials in the wards to that extent, their action is calculated to give confidence to the community. Formerly one Democrat and one Republican was appointed by the court for each of the twenty-five wards; since the division into precincts, there has been a corresponding decrease in the number of ballots cast at each of the one hundred and six voting precincts, and therefore the ballots may be scrutinized with much greater ease than they could have been formerly. The inspectors appointed by the board of aldermen from both parties stand at each side of the ballot-box, and seem to answer every purpose in the way of preventing fraud; therefore I do not think it would be essentially necessary that the United States officials should be present; but that is a matter for the committee to determine.

Q. As a matter of fact, your board of supervisors receive no practical aid or assistance from the United States officials?—A. None at all.

Q. And at the election itself your State has all the requisite division of official force that is necessary to receive and count fairly the ballots that are cast at the elections?—A. Yes, sir.

Q. You say that, in addition to that, each party has its own supervision over the election by its challengers, &c., who are present as extra-official, and for the purpose of watching?—A. They are there by the statute law.

Q. They are there by authority and for the purpose of watching?—A. Yes, sir; I will say that even with all the care and vigilance we can exercise we may make some error in the spelling of the name of an individual, in consequence of which the warden may refuse to receive the vote of that individual. In every such case the question is referred by the warden to me, and the correction is made by me or my associates, my custom being to remain at the office of the registrars for that purpose during the whole time for which the polls are open. Such was the correctness of our list at the election last year that of about fifty-four thousand names there were but thirty-five errors, and not one voter was deprived of his right.

Q. The errors were corrected on the day of the election?—A. Yes, sir; we have a right by law to make such corrections, and that duty we perform.

Q. The special supervisors who were present at the election polls on the day of the election for the purpose of scrutinizing and canvassing the vote canvass your State vote as well as the Congressional vote, do they not?—A. They naturally would, as the names of the candidates in each instance are upon the same ballot.

Q. Their scrutiny would extend to the one as well as the other?—A. Yes, sir.

The WITNESS (resuming his description of the supervision of the voting lists) further stated that the election polls in the city of Boston were kept open from eight a. m. until four or four-and-a-half o'clock p. m., these being the hours fixed by the board of aldermen; that the board of registrars have nothing to do with the ballot-boxes or officers of the wards, their supervision being confined on the election day to the correction of their own clerical errors, if any; that the voting lists, after having been checked, are sealed up immediately after the close of the polls and taken to the city clerk's office, where they remain for sixty days, when they are taken to the office of the board of registrars; that the purpose of the sixty days' detention is to keep them in *statu quo* in case any question arises as to the legality or number of the votes cast in any ward; that upon their return to the registrars the lists are unsealed,

taken from the frames in which they have been inclosed, and bound up for preservation and future reference.

[To the Chairman.] The voting lists as actually checked by the inspectors in the ward rooms at the elections for three or four years past have been bound and can be furnished by us at any time in the form in which they are preserved.

[To Mr. McDonald.] Previous to 1878 all the voters of the city of Boston were listed in twenty-five wards, the wards representing from 1,500 to 2,500 voters. For greater convenience, in 1878, these wards were divided into precincts, and instead of voting at 25 ward points the voters now vote at 106 voting points.

By Mr. McDONALD :

Q. Under the former system of voting by wards had you more than one ballot-box in which to receive the 1,500 or 2,500 votes of the ward ?—

A. We had five and had, in each ward, six or seven inspectors, a ward man and a clerk.

Q. You multiplied the boxes and increased the officers in attendance upon the boxes without increasing the polling places, the boxes being indicated by letters and the arrangement being such that a man who voted at box "A" could not vote at either box "B," box "C," or at any other box ?—A. Yes, sir.

Q. Under the present arrangement a ward is divided into how many districts ?—A. From three to five.

Q. The boundaries of those districts are marked off so that a resident, for instance, of ward one, district one, must vote in that ward and district and cannot vote in any other ?—A. Yes, sir ; he must vote in that ward and district upon the list for which his name is found.

Q. The names upon the list for ward one, district one, are simply those of persons living within that district who have been properly registered ?—A. Yes, sir ; and those whose names thus appear can vote only in that district.

Q. If a man living in district two offers to vote in district one he will be debarred by the fact that his name is not upon the list for that district ?—A. Yes, sir.

Q. What is about the size of these districts ?—A. They have been formed by the assessors so as to comprise as nearly as possible five hundred voters.

Q. Is there a provision in the law for subdividing the district if the number increases beyond five hundred ?—A. The districts may be subdivided only after the expiration of a period of years. We are not permitted to be continually altering them.

Q. You find this system of a subdivision into districts a great convenience and at the same time a great security ?—A. It is a great convenience to citizens and at the same time a security for the ballot.

Q. May not that system of a subdivision of voting districts be carried further and to such an extent that the voters being few, and, therefore, readily ascertained and identified, the casting of an illegal vote would be almost impossible ?—A. I should say that that would be probable, and that the percentage of fraud would be so inappreciable as to be almost nothing.

By Mr. BLAIR :

Q. For what period has this board of registration existed ?—A. It was established in 1874.

Q. It exists only in the city of Boston ?—A. It exists only in the city



of Boston as a regular organization. There are different laws in relation to registration in the other towns of the State, but the Boston board is specially organized for the city of Boston.

Q. How long have you been connected with it?—A. Since August, 1877. The vacancy was created in April, but I did not accept the appointment until August.

Q. You have found the operations of this board to be of very great service in purifying the list and in superintending the vote itself?—A. Yes, sir; the board has organized a system upon what was originally a mere list of names without residences.

Q. I judge from your statements that that which you have founded must be a very efficient organization. I would like to have you state to us the evils existing prior to the establishment of this board, and the extent to which they have been remedied, so that we may see the efficiency of the machine in practical operation.—A. Perhaps the evils were not of a distinctive but rather of a general character. As the city of Boston increased in size and extent the necessity for greater stringency and precision in its governmental departments became more apparent, and this was specially true in regard to elections. Formerly the list of voters was made up from the assessors' list; the assessors marking, according to their judgment, whether a man was a foreigner, a colored or a white man, or what he was; in some instances the assessor would assume necessarily that a man with a foreign name was a foreign-born citizen, and in this way names were often erroneously marked upon the assessors' list of polls. You can judge, therefore, from the absence of any efficient scrutiny of that list of the assessors, which was necessarily imperfect, that a still more imperfect list would be made by the city clerk, and the consequence was that there was no proper scrutiny about the work. Mr. McCleary, who was the city clerk of Boston, and his father, made up the voting-lists from the assessor's lists. In 1855, under the operation of what we called the "Know-Nothing Machine," an amendment was made to the constitution by which an educational qualification was imposed upon voters, and every man who offered to vote was obliged to be able to read and write, this applying alike to naturalized citizens and others. The preparation of the list being under the charge of Mr. McCleary, the parties applying to be put upon the list were required to come to him, and the consequence was that crowds would be in attendance for the purpose and, in the pressure to accommodate them, the lists would be made up necessarily without that scrutiny which they should have received and would be more or less erroneous, though this would not be the result of any fraudulent intent. This went on until the annexation had increased the territory and number of inhabitants of the city of Boston to such an extent that Mr. McCleary could not possibly attend personally to the duty imposed upon him, and it became apparent that his endeavors to keep up the list as it ought to be kept up were fruitless. Another source of complaint at that time was the hardship to which many of our citizens in East Boston, South Boston, and Roxbury were subjected in being obliged to leave their business to come down to the city hall to be registered. The law required Mr. McCleary personally to superintend the registering, and this hardship or inconvenience to citizens, therefore, was one that could not be avoided except by a change of the law. Mr. McCleary volunteered to sit two evenings in a week in each of those sections of the city to enable the parties, especially those of the poor laboring class, to present their bills and register, without being compelled to lose half a day in coming to his office. However, as I say, the duties of the po-

sition finally became so arduous that the impossibility of discharging them was obvious. I then strongly urged some measure of relief. You will recognize the necessity that existed for some new arrangement, not only as a matter of convenience to the citizens, but with a view to a more correct list. We finally obtained authority by statute law to appoint, and did appoint, in all the outer precincts what were called two assistant registrars of voters, one from each party; these to have charge of the registration from five o'clock until ten o'clock in the evening, for fourteen days prior to the election. These are at present in existence, as appointees of the board of registration. They have limited powers, being furnished with explicit and rigid instructions (of which I will furnish the committee a copy) in regard to the process of registration, and being compelled to report every morning to our office in detail all the cases passed upon, and also to refer to the principal office, at Pemberton Square, any question arising in regard to the qualification of a voter. By this means we have cured an evil which resulted from haste, overwork, and the increase of population and territory, without having been due to an intentional fraud.

Q. Is it, in your opinion, manifest that something answering the purposes of your board, of similar construction and similar machinery, is necessary in all the larger places of the country?—A. I could not give a proper answer to that, because I have not the information. In towns——

Q. I am not speaking of the smaller towns, but of cities which are growing and aggregating great populations. Is it not necessary that there should be some sort of machinery operating to produce the same results which your board of registration accomplishes here?—A. I do not know that it is necessary, further than the laws provide.

Q. That is not the question. The laws speak for themselves. In the working of our institutions, and in the taking of the suffrage in these larger places, some form of machinery to accomplish the ends which your board of registration accomplishes is necessary?—A. Decidedly.

Q. Here in Massachusetts they have, under State law, established such a board only so recently as the year 1874. The election laws of the United States were enacted somewhat earlier than that, were they not?—A. Yes, sir.

Q. You think that under the operation of your board of registration in this city you have come as near as any city could come to securing an absolutely pure exercise of the suffrage, do you?—A. I do.

Q. The election laws of the United States, so far as registration is concerned, were never put in operation in the city of Boston until the last Congressional election, were they?—A. No, sir.

Q. So that you have no reason to complain of the United States election laws, so far as the city of Boston is concerned?—A. I do not complain of them.

Q. That machinery was set in operation here last year upon the request of Mr. Dean and some of his friends, was it not?—A. I do not know really in regard to that.

Q. You did not hear the testimony of Mr. Hallett in regard to that?—A. I only know from what Judge Hallett told me at an interview which we had subsequently.

Q. Does it not seem, so far as your knowledge and observation goes, to have been unnecessary then?—A. Yes, sir.

Q. You think that it did no good?—A. Yes, sir.

Q. You spoke of a law which divided the wards, and which was enacted in 1878; does that law relate exclusively to the city of Bos-

ton?—A. Yes, sir; we are acting under special laws, not under general laws at all.

Q. It does not undertake to divide into voting precincts the wards of cities other than Boston?—A. No.

Q. Who was the author of that law; was it Mr. Pillsbury, who was at the time a member of the legislature?—A. The only information I have in regard to that is the fact of the bill having been introduced. We modified the bill as originally introduced, and, as far as I am aware, it was presented by Mr. Parkhurst E. Chandler and Mr. Charles Allen.

Q. You do not recollect who introduced the bill into the legislature and had charge of it there?—A. I do not.

Q. There were upon your registry list at the State and Congressional election of last autumn some six thousand names of persons who did not vote?—A. About six thousand.

Q. You have no means of determining how large a proportion of the six thousand who were entitled to vote were prevented from exercising the right by a knowledge of the fact that if they attempted to vote they would be liable to arrest?—A. No, sir; there could not have been from my record over 116.

Q. Can you tell to what class generally those six thousand persons belonged?—A. Those are gentlemen who did not take the trouble to vote.

Q. You cannot determine that, can you?—A. We have a record in our office by which I could determine it.

Q. You have made no examination in regard to that matter?—A. No, sir.

Q. You do not know how many of those may be names in the class known as "gentlemen who do not take the trouble to vote" and how many may be those of laborers?—A. We could tell that, because we have a record of every man who votes.

Q. But you have not as yet made any such examination?—A. No, sir.

Q. You are not able to say at this time how many attempts at fraudulent voting may have been prevented by a knowledge of the fact that there were warrants existing for the arrest of whoever might attempt to vote contrary to law?—A. No, sir.

Q. You cannot tell that, can you?—A. No, sir; there is no positive method of telling it.

Q. A man who is allowed to vote must be able to pass a certain educational test here; he must be able to read and write. You have described fully the test to which you subject the applicant for registration, have you?—A. I have.

Q. Do you think that a capacity to read in the way you have described and to write in the way you have described is really a necessary qualification for a voter?—A. That is, you ask my opinion of the constitutional qualification?

Q. Yes; and I ask you if you think that an educational test no more severe than the one you have described is necessary to the exercise of the right of suffrage?—A. I have hardly formed an opinion upon it.

Q. I refer to your description. Do you think that a man who can read and write only to the extent you have described is likely to be much better qualified to understand public questions and to vote intelligently than if he could not read or write at all?—A. That class of men are pretty good politicians.

A. What do you mean by "pretty good politicians"?—A. What I mean is that they do take a great deal of interest in public matters.

Q. Do you not find many men who are not able to read or write at all who manage business matters just as thoroughly as you do?—A. Yes.

Q. Do you think that this educational test amounts to much?—A. I am in favor of it for this reason, that we in Massachusetts estimate highly every efficient means for the education of the people, and this requirement does to a certain extent compel a man to read and write if he desires to vote, and thereby is in the interest of the cause of education. For that reason I am in favor of it. How far it would affect the voting system I am not prepared to say.

Q. You are in favor of it because it has a generally good effect in educational matters?—A. Yes; because it has a tendency to cause the voting population to read and write.

Q. But here comes a man from the old country, who is 40 or 50 years of age, who has never had any opportunity to learn to read and write, and yet, although he may have been unfortunate in business, he is as sharp as your best business men in the city of Boston; there are cases such as that?—A. Yes; I have known such cases.

Q. Do you think it a just thing to exclude such a man from the exercise of the suffrage, in order that you may require the mass of men to write their names in the labored way you speak of, and to read the constitution in a way in which they have to spell most of the ordinary words in order to get on at all?—A. I have known in my experience for the last few years actually but two cases that bear a parallel to those you speak of. I will answer that question by stating this: If there is any physical disability in the way which prevents a man from reading and writing, our laws provide that we may excuse the inability. We have adult schools, and the friends of a candidate or of a party will be very apt to foster these schools, and in that way teach men of all ages who wish to vote how to read and write. I say they will be apt to send such men to school, and in that way the constitutional requirement will prove of practical benefit to the masses.

Q. Is not that merely a sham to evade this constitutional qualification?—A. I think it is a benefit to the men to learn them to read and write.

Q. I understand you, then, that you get around this constitutional requirement by establishing these evening schools as the means of enabling certain men, with great labor, to write their names, and perhaps not more than that. As to the matter of reading, I suppose that, in these schools, they select certain passages of the constitution for such men to practice upon?—A. We do not select any particular passages.

Q. But if a man with great labor becomes able to spell out a word in the constitution, you think him qualified?—A. No; not if he spells with great labor. For instance, a man applying to register may find it necessary to spell such a word as "inalienable." Then, too, a man might be able to read the Boston Herald, for instance, and yet not be able to read the constitution fairly. I had a case of that kind.

Q. If a man can read the Boston Herald, then certainly he can read. If a man can read the newspapers, it seems to me that he ought to be considered as qualified on that score.—A. But the constitution requires that he must read the constitution in the English language, and a German or a Frenchman who cannot speak English fluently must comply with that requirement. In regard to another matter I would like to say a word, and that is this: Some of the statements that I have made may appear to contradict something that has been stated by Judge Hallett, or at least may show some difference of opinion between us. Upon that

point I wish to say that every movement which was made by that gentleman was known to me at the time, and I, of course, had no fault to find with him in the very difficult position in which he was placed, in view of the fact that the law under which he acted did not apply to the acts of the board of registrars or to our own city. I find no occasion to complain of any act of Judge Hallett's, and there was the utmost kindness and harmony of feeling existing between us.

Q. Against whom is the poll tax of which you have spoken assessed?—A. Against all male inhabitants of twenty years and upwards.

Q. That is, all male inhabitants who receive the protection of the laws, or whether naturalized, unnaturalized, or native born?—A. Yes; it makes no difference. The assessment, however, is very rarely made until the person is twenty-one years of age.

Q. This poll-tax must be paid before the right of voting is exercised?—A. That is one qualification.

Q. How long before the election is the tax required to be paid?—A. Fourteen days. The last day of the registration closes at 10 o'clock p. m. on the fourteenth day previous to the election. Then the doors are shut, and no one, not even the governor of the commonwealth, can have his name entered upon our list after that. The tax is paid as a prerequisite to registration.

Q. As a matter of fact are any of these taxes largely paid by persons other than the voters themselves?—A. We have no means of knowing as to that.

Q. Do you not know, not as a registrar but as a citizen, that that is the case?—A. I have every reason to believe that there are men who state their inability to pay the tax and who have friends pay it for them.

Q. That practice exists to a very large extent?—A. I have no doubt that it does among a certain class. It might be confined simply to certain localities. I have no doubt that, as to the two parties, as much of it is done on one side as on the other.

Q. State whether the registration of those men who vote upon the payment of their poll-tax is not apt to be crowded into the very last days or hours, perhaps, of the time permitted for registration?—A. I think, as a matter of fact, we register a larger number in the last five or six days than in the first five or six days, or perhaps weeks.

Q. Prior to the establishment of your office, was there not great confusion and difficulty attending the registration of that class of voters?—A. Yes, sir; there was decidedly.

Q. And the evil continued to some extent until the enactment of the law of last year dividing the wards into precincts?—A. Understand that I do not think that the registration was affected by it.

Q. You had plenty of time to make an examination of every case?—A. Yes.

Q. Are there many names on your list as it now stands in this city that have come down to you from former years, and which have not been scrutinized by the board at all?—A. There are many names that have come down to us, but, as you may have observed from what has been stated, our scrutiny is more or less directed to them every year.

Q. You have not perhaps observed the point of my question. It is this: Are there or not names on the list that you have never scrutinized at all?—A. That I cannot say, because the board was three years in operation before I went into it. I should say that undoubtedly there are names there that will gradually be eliminated from the list by further and continued scrutiny. From my own observation of the list, I cannot give you any other answer than that simply I have

reason to believe there are such names now upon the list, though small in number proportionately.

Q. You cannot tell how long it will take you, under your system, to reach all of those names?—A. No, sir; I can only judge from last year's scrutiny.

Q. Suppose you were to commence anew and proceed to register from an actual examination as to all the inhabitants of the city, do you not think you would be more likely to get a correct registration of the citizens or voters of Boston than you would get in any other way?—A. I do not.

Q. Suppose that those who you appoint for the purpose should go from house to house and get the names, and that a list should be made up in that way independent of all outside influences, do you not think you would get a more perfect list than you would get in any other way?—A. I do not think we could get a more perfect list than that which we now get from the assessors. They have a moneyed object in view, and that incites them to get the names as accurately as possible.

Q. But they take many names that you have not on your list?—A. They take the names as a matter of business, and we take our names from them.

(By the CHAIRMAN:)

Q. A citizen of Boston who is a tax-payer, and whose name was not on the list in the year before last, would very naturally get upon the list, would he not?—A. Yes, sir.

Q. If the assessor had no business to take him off, the same name must come there as a necessary consequence as it did in the first place?—A. Yes, sir.

Q. The checks by which your list is verified are, first, that of the assessor; secondly, that of the collector; thirdly, the comparison of your list with the list of the previous year. Then follows the publication of the list in every precinct, the liability to challenge by the political parties and the people of the neighborhood, and, finally, the correction by striking off improper names and putting on names improperly left off. That is the system?—A. Yes, sir; that is the system.

EDWARD J. HOWARD sworn and examined.

By the CHAIRMAN:

Question. How long have you resided in Boston?—Answer. About thirty-six years.

Q. Have you lived here all your lifetime?—A. I have, with the exception of about the first two years of my life.

Q. How long have you been connected with the board of registration of the city of Boston?—A. From May, 1874, up to April, 1879, officially.

Q. Describe, as briefly as you can, the process of securing a correct list of the voters of the city of Boston, as also the experience you have had in regard to the best method of obtaining correct lists, your inquiry on the subject in other States, and what you have done in order to make the list accurate and to test the capacities of voters?—A. The voting list of 1879 varies largely from the list as it was in 1874. The list transmitted to the board of registration in 1874 contained some seventy-four thousand names of voters. After one year's service of the board of

registrars the list was reduced to thirty-two thousand names. The explanation of the reduction is this. It had been the custom of those whose duty it was to make the voting-list, prior to the formation of this board, to publish a list of persons as qualified voters in every ward. On the night prior to the election the lists were compared with the tax-collector's books, and against the name of every person thereon who was found not to have paid a tax within two years were placed two dots. The consequence of that was, that although there were seventy-four thousand names of voters, so-called, upon the lists, the aggregate vote in the city of Boston in 1874 was only about thirty-two thousand. Many thousands of names were thus published without being entitled to appear as those of the names of voters. On the election day, when he went to the polls to vote and called his name, a party offering to vote was informed by the election officer that there were dots opposite his name because of his not having paid his tax. Under the new régime, therefore, publication was made not only of the names of those who were apparently qualified voters, but of those who the ward officers had been able to ascertain were in fact qualified voters. There was no other resource at the time but to perpetuate that system with a view to improving upon it. In the second year of the existence of the board, in the first publication that we made, we dropped eighteen thousand names of those who had previously been published as registered voters, inasmuch as they had not paid a tax. The law reads in the past tense, "Who shall have paid a tax," and the evidence not appearing that a tax had been paid by these persons, their names were accordingly dropped. In that year we dropped, I think, altogether, in round figures, twenty seven thousand names—eighteen thousand at one election and nine thousand at another—so that when we published a list of qualified voters, that list represented *bona fide* actual, qualified voters only; these being, first, those who had an actual residence in Boston, as certified to by the assessors; and, second, those who had paid a tax within two years, as certified to by the tax collector. Of course, this action on the part of the board created a great deal of commotion at the time, as nineteen thousand persons who found that their names were off were obliged to pay their taxes in order to get upon the list, which they did before the election day (the whole nineteen thousand having voted in the next year, and the city treasury being benefited by the tax payments) and the list has gradually grown until it represents, as it did at the last election, fifty-three thousand registered voters. The method of making the voting-list is very simple. It is this: In the month of May the board of assessors commence assessing the streets, the city being divided into thirty-three districts. After the first of May the returns of the assessors are made to the registrars, daily, for the forty-five days during which period the assessors are assessing upon the streets.

Q. The assessors are allowed forty-five days in which to make the assessments of the city?—A. Yes, sir; and after the assessment upon the streets is closed, persons qualified can be assessed. These latter are termed supplementary assessments and continue until the 1st of September, when, by law, the assessment for men ceases. The assessment for women continues until the 15th of September. The method of compiling the list is to take the voting-list of the last year, precinct by precinct, and compare it with the assessors' return of each precinct for this year. In every instance in which a person is found to have been a resident of Boston, for instance, in May, 1879, the number of the page upon which the name appears on the tax-assessor's book is placed against his name as printed in the voting-list of 1878. That settles the consti-

tutional requirement, which establishes his residence in the city of Boston six months prior to the election. That being completed the twenty-five ward collectors' books are also compared with the lists of voters of the previous year, and every man who has made payment of a tax is credited with having paid his tax. During the last week in August every name upon that list which does not have opposite to it the page of the assessment of 1879 and the check representing the payment of a tax within two years is erased from the list, and the names remaining are published as those of the qualified voters of the city on the day of publication. Sub-offices are then kept open in every ward from five until ten o'clock p. m. for the registry of such persons as are not upon the list and desire to be there. Of the parties applying for registration, a person who is on the voting-list for last year who has been assessed this year, and who has been dropped for non-payment of tax has his name restored to the voting-list upon presentation of his receipted tax-bill. His name appearing once on the voting-list as qualified, consequently he is always qualified so far as the constitutional requirements of a reading and writing capacity are concerned; that is, he is not requalified as to those. Those requirements are insisted upon for all persons who never have voted in the city of Boston prior to making their application to us. All naturalized citizens have to produce a certificate as proof of naturalization, are obliged to read the Constitution of the United States, and write their names, so that "the voting-list," as we term it, represents three classes: old voters, new voters, and naturalized voters.

By Mr. BLAIR:

Q. Do you mean that they are arranged in separate lists?—A. No, sir; they are simply known by us as such upon our records. The new voters sign their autographs in a book marked "New voters," the naturalized in a book called "Naturalized voters," and the old voters who appear and go upon record are entered upon our office books, but are not required to give autographs. All these go upon the lists, no distinction being made on the lists as to the classes I have named. When Boston was a small city of twelve wards, the manner of distinguishing names on the voting-lists with reference to duplicates was by printing in italics the occupation of a man after his name. If there were three John Browns, one John Brown would be marked a baker, the second a laborer, and the third a cooper, but with the influx of immigration and the increased growth of the city, there naturally followed an increase of duplicate names, so that to-day the Boston directory will show, in some instances, two, three, and five pages of a duplication of the same name. The simple addition of the statement of a man's occupation ceased to be an effective means of identification, because where five John Browns would be assessed on the same street and five John Browns on another street and all alike laborers, the distinction as to individuality was lost. In order to remedy that difficulty I devoted some time to an investigation of the registration systems of other communities, and visited the cities of Philadelphia, New York, and Brooklyn. I found that the lists in use there were not available inasmuch as they were not based upon an assessment similar to ours. It is only where the payment of taxes is a prerequisite of voting, and the other peculiarities here accompany it, that the system could be of any use here. Our board of registrars made the subject a study for many months and finally devised the system that is now in use, namely, of paging every page of an assessor's book and of indicating every line on each page, beginning with the first letter of the alphabet at the top of the page and running down. In this way



each name upon that page is credited with a particular letter to indicate the line of the page upon which it appears, and the letter of the line and the number of the page is transferred to the tax-bill of the party paying his tax, copied from there by the registrars and placed opposite to the name upon the registry-list. That remedied the entire trouble, so that if every man in the city of Boston was named John Smith there would not be the slightest confusion in the duplication of names upon the printed lists of voters, as the letter and number would preserve the identity of each. We will suppose that the question is raised in my own case when I come to vote. In order to prove my qualifications, I state my name and produce my tax-bill, and this latter, taken in connection with the letter and number upon the registry, will at once prove or disprove my identity. My voting precinct is number one, ward eight. The record of the assessor's book would read, "Ward eight, page forty-one, line R," and by turning to the place indicated my assessment would be found. In the voting-list the entry would be "R 41, Howard, Edward J." If I present a tax-bill marked "K 37," then I certainly do not vote, but the warden will patiently wait until a tax-bill is presented on which appears "R 41." It follows that if the entire ward eight consisted of Edward J. Howards, I could never be defrauded of my vote by reason of any inherent defect in the registry-list.

Q. This system prevents any personation?—A. Wholly. It is absolutely in the interest of the voter. It is possible for fraud to be committed by parties assuming the names of others. That we have tried to prevent as far as we could. I will give you an instance in which an attempt at fraud in this way was detected in our office by me. A party giving the name of "Samuel," when asked to sign his name, wrote, from the force of habit, "George." That party we have prosecuted.

Q. But under your system of registering the party would not only be compelled to personate a name but would be obliged to forge the tax-bill?—A. That is true; he must possess the genuine number on the tax-bill. We have known of parties who would loan their tax-bills for the purpose. I now recollect an instance in which a man, native born, presented a naturalization paper before me in order to get registered. Casually running my eye down over the paper, I noticed that the date of it was "1872." I asked him how long it had been since he took that paper out, and he answered, "Two years." I promptly told him that his bill under the statute would be \$90, \$30 for each false answer: first, in stating that the name on the paper was his own; second, that the paper was his own; third, that he was the individual to whom the bill had been issued. He immediately fell upon his knees in great fright and declared, "Before God I am innocent;" that he had happened to drop into his club, when the president told him he must take those papers, assume to be the party, and be put through. I am not much of a judge of political clubs as a whole, but we have been rather careful of club instructions since then.

Q. You were able, then, from the list you had and the scrutiny you were in the habit of observing, to detect that man?—A. I took it that a paper dated in 1872 must have been taken out more than two years prior to 1878. But the attempts at frauds were not confined to naturalization papers by any means. There is a systematic dodging of answers upon other matters. Indeed the most careful discrimination is required in various ways. Many parties, after being assessed in the city of Boston on the 1st of May, leave here in consequence of friends being taken sick, or for other reasons, and go to New York or elsewhere, getting back to Boston about three weeks before the election, when they

call in upon us to see if they are all right on the list. Of course, in such cases, the question of domicile arises, and sometimes it is a very delicate and difficult question to decide. The legal construction is that a man's domicile is a matter of intent. In regard to that question of domicile alone we have probably on an average from one hundred to three hundred hearings prior to an election. The questions, for instance, as to when the party had moved to New York, when he came back, whether he had simply gone on a mere trip, or with the intention of abiding there, are all considerations to be taken into account in determining the rights involved.

Q. From your experience in managing the registry lists, and in helping to make them, state whether they are not as accurate and perfect as they could be made in a great city like this.—A. Under the present statute laws they are. I speak of the city of Boston.

Q. Are they as nearly as possible correspondent with the statutes of Massachusetts?—A. Yes; we try to adhere to the statute as closely as we can, and endeavor to give the citizen all the rights to which he is entitled under the law.

Q. You have heard or read the testimony of the chief supervisor. What do you know about the number of names that were checked by the supervisors last fall as those of persons not entitled to vote?—A. I judge that the list was as good a one as a body of men called supervisors, who were wholly inexperienced in the work, and knew nothing about it, could present. There are ten thousand cases in which report might be made, and as to which the complaint in but very few could be grounded in any sense of right. The question of domicile, as I was going on to say, is a very confusing one. John Smith may be assessed on the first of May in ward one, precinct one. He has an absolute right under the statute law to remove from there subsequent to the day of his assessment, and to reside in any one of the other one hundred and six precincts of the twenty-five wards or in all. Now it is quite likely that some one may go to the house of John Smith on the first of June and find it vacant. Many cases such as that were returned to us as cases of illegal registration. The complaints were absolutely and wholly thrown out simply because it is not made conditional, when the man is assessed, that he shall reside in the house in which he is assessed until the election day, but he is left entirely free to live where he chooses, provided that he votes in the ward and precinct in which he was assessed on election day. The law provides that a man shall vote in the ward and precinct in which he was assessed, and in none other. We decided in that connection many cases of men who are professional drummers of mercantile houses. A person sent to the house, upon asking if Mr. Smith lived there, would be informed that he was in Cincinnati, when the fact was merely that he was in Cincinnati temporarily on business; and in those cases the parties temporarily absent turned up on election day, proved their residences, and, where we had stricken off their names, upon an investigation and report, had their names restored to the list.

Q. Practically, in the purging of these lists were the lists that were made by the supervisors of any value to the registrars?—A. In one sense, some were of value. There is no question about it.

Q. About thirteen hundred of the names were checked off. What proportion of those checks were found by the registrars to have been correctly made?—A. I do not know that I can say.

Q. Was any large proportion of them so found?—A. I think not. I think the proportion was small. It is some months since I have given

that matter much consideration, and therefore cannot answer positively.

Q. You say that the number of those 1,300 not entitled to vote was small?—A. Yes. Errors would occur in this way: A return would be made that a man lived, for instance, at 98 Wilberforce street, when no such man lived there, but it would be afterwards found that the number of the man's house was 96 instead of 98, and that the error had occurred in the return. On election day many men came to us and stated that they had been denied the right of voting because the numbers of their residences on the voting-list had not been correctly given. This I hold to have been a wrong upon the voter, as the law did not require that the street and number of a man's residence should be absolutely correct upon the list, though it did require that his name should be correct. The omission of an initial in his name would be sufficient to deprive the man of his vote.

Q. What is your opinion as to the number of illegal names upon the registry of last year? It has been stated here at from thirty-five hundred to five thousand names.—A. I should say that the statement was a great exaggeration. I would not admit that. I was surprised to see the statement in print. It must be a surmise at best, and I should say that it is an exaggerated surmise. If it is perfectly fair to say that there were thousands and thousands of illegal names upon that list, it is just as fair to say that there were none, as mere assertion on the one side would be entitled to the same weight as if made on the other side. I can only say that since 1874 the most constant and assiduous care and oversight have been given to the registration. We had a statute passed which gives the right to every citizen who sees a name upon that list which he knows to be that of a man who lacks the qualifications of a voter, to make complaint of that man; and as the lists are published in October, full opportunity is allowed for all names to be known.

Q. That statute is one under which any illegal name on the registry-list can be purged from the list?—A. Yes, sir; if you see a name upon that list and know that the party whom that name represents does not possess the requisite qualifications, and you make return to us, we are by statute law obliged to summon the party complained of before us and to examine him.

Q. What number of cases were presented last year before you?—A. I think some nine hundred altogether.

Q. They came from the supervisors?—A. Largely from them, and from the bureau of inspection. A very small number came from private parties.

Q. The bureau of inspection was a Republican organization?—A. I do not know its politics.

Q. Was it under the control of a gentleman who was connected with the Republican organization?—A. I know that a gentleman connected with the Republican organization was interested in it; still we never question the politics of any visitor to our office, and never allow politics to be mentioned if possible.

Q. Is it necessary, from your experience with the supervision of elections, under the laws of Massachusetts, for the Federal Government to intervene with its machinery?—A. I might answer with reference to the supervision of registration, but as to the matter of the supervision of elections, that is one with which I have nothing to do. I judge that a body of men who knew the statutes thoroughly and were thoroughly instructed as to their duties might possibly be a great help.

Q. Is it possible for the State of Massachusetts of itself to secure per-

fectly honest elections?—A. I should judge that if the right sort of a statute was passed there would be an honest voting-list. I hold that every statute law in aid of an honest registration should not only secure the citizen in his rights, but should be a terror to the evil-doer.

Q. What aid to you, in your judgment, was the present Federal supervision of elections, in the discharge of your duties last year?—A. It was an aid in this sense: I think that the board of registrars, since its formation, have inwardly believed that the city of Boston would be benefited by an entirely new registration. The board, individually and collectively, have tried to impress that view upon this community, though of course it is not an easy matter to do it. It was with this view that I hailed the appointment of supervisors with sincere satisfaction, because I expected that the result would be just that which has followed from it, in showing serious defects in the law, and what opportunities there are for evil-doers, if so disposed, to exercise their will in defeating, so far as they are able to defeat it, an honest election. It developed that weakness. Now, if what the supervisors did would awaken the community to an appreciation of the importance of such a statute law as would render the making of an honest voting list an easy and simple task, I judge that so far their presence has been a benefit. But I cannot say that the body of inexperienced men who acted as supervisors were of any direct benefit. With regard to registration, I should be hardly willing to say that they were specially of any valuable help. They were men the majority of whom, so far as I could see, had never known anything of registration. They did not even know the A, B, C of the statutes in reference to it. Some of them were very efficient, and did most excellent work, so far as their work itself was concerned, but their work only helped to show some of the defects of registration, all of which could be remedied by an effective statute law.

Q. Has there been in Boston, since your connection with official position, any organized or large system of false voting?—A. Never, to my knowledge.

Q. Has there been here, since 1878, any large or organized system of repeating?—A. Never, to my knowledge. Repeating would be a matter of which I would have no knowledge. When we turn over the lists to the election officers on the election morning, our duties in connection with the election on that day cease.

Q. Is there here, in Boston, under the laws of Massachusetts, any systematic attempt to vote upon illegal naturalization papers?—A. Not to my knowledge. We ask every person presenting a paper, first, if that is his paper; second, if it is his name; and third, if he is the person. That is all that by law we can do. He may make a false answer, but the paper is before us.

Q. The paper is always before you when examining the voter?—A. Always. And no man ever registers without presenting his receipted tax bill.

By Mr. McDONALD :

Q. You have official information from the assessors that the persons you place upon, or suffer to remain upon, the registry are residents of the particular ward or district in which the assessment has returned them on the first day of May?—A. Yes, sir. For instance, the paper which I have before me, we will say, is the voting list of 1879. The *modus operandi* is simply this. The assessor opens the page of the assessor's book, and comes to "Charles L. Wilson, No. 1 Wilberforce street." He turns to the names under "W," upon this voting list, which

is gotten up in book form, and marks beside the name on this voting list simply "A, 1." Now the proof of the correctness of that name, as it appears upon the published list, is to be found on the assessor's book, page 1, letter A—the letter indicating the line of the page of the book. There will be found our authority for the entry of the name, because the assessor has returned the name to us as that of a citizen on the first day of May, or six months before the election. That process was gone through with as to every name last year.

Q. That was gone through with in reference to taxation more particularly?—A. It was gone through with in reference to taxation, and, at the same time, it furnishes the evidence of a compliance with the constitutional requirement for a six months' residence. The only evidence of that is the return of the assessor.

Q. This fact of the residence of a man in a given locality on the 1st of May is ascertained for a twofold purpose; one being in connection with the assessment of taxes, which the citizen is required to pay under your law, and the other in connection with the registry, as enabling the board of registrars to correct and complete their lists?—A. Yes, sir.

Q. Then any names that are added to the names thus obtained, upon the application of persons, are added by the board, after an examination of such persons or of those who present themselves as the persons?—A. Yes, sir. A person presenting himself after the publication of this list, on the 1st of October, may not have been assessed this year but may have been assessed last year. We put his name on the list upon the presentation of a tax bill for either 1879 or 1878; the constitution saying that the voter "shall have paid" a tax within two years. But, of course, there are thousands of names throughout the city that are returned to us that we do not touch. For instance, if we did not find "Charles Wilson" upon this assessor's list we crossed his name off the voting list, and he is not thereby denied his right to vote, but he must make good his right.

Q. In arriving at your data from which you make up the registry list in this way, how do the special supervisors furnish any particular aid to the board of registrars in the performance of their work?—A. In this way some help was furnished: A party would be returned as residing at a certain house (the assessors making but one return), and the supervisors in going around in the month before the election go to that house and ascertain that the entire family left it on the 1st day of June, and went west or south. They, therefore, are the medium by which we receive the information that the citizen or citizens residing in that house are disqualified.

Q. That is, you learn from them that the voter in that house has gone away?—A. We learn that he has gone away, but we never would have ascertained that fact in many cases except in that manner.

Q. But that fact would have been ascertained on election day?—A. Yes.

Q. What particular advantage is it for you to learn that a man, after he has been put upon the list as a qualified voter, has moved away?—A. Because we send that list to the polls as a list of qualified voters of the ward in which that man is represented to reside, and if it contains the names of ten voters in Leadville, for instance, who have given up their residences in Leadville, those names have no right to be there..

Q. But these ten voters in Leadville may not come to vote.—A. But it holds out ten inducements for illegal voting.

Q. Would they not have to furnish a tax receipt, in each case, in order to vote, and to make the necessary proof at the polls?—A. If the warden

asks the question they would; but I do not suppose that the warden knows whether every man representing himself as John Smith, of K street, is that particular John Smith or not.

Q. Then you think that the only benefit to the registrars from these supervisors consists in what they may do in hunting up men who are away?—A. I say that would be a help. They could possibly be of some benefit in other ways.

Q. They have no official relations with you?—A. Not a particle.

Q. Whatever they do, if anything, they make report of to another source and not to you?—A. Yes, sir.

Q. They were there, as far as your board was concerned, just as any other citizens were there?—A. They were behind the counter; if they chose to challenge a man who was being registered, they made their report; but if I considered the man entitled to be registered, notwithstanding that they objected to him, I registered the man, and made a note of their objection. I did not consider that under the State law they could set aside registration, though they might object to it, as we were the constituted State officers for judging of the qualifications of electors.

Q. So far as concerned persons voting for State officers, they had nothing at all to do?—A. No, sir.

Q. But all these elections are held at the same time, all the candidates are voted for on the same ticket and before the same officers?—A. Their objection would hold at the polls, I presume.

Q. And it would reach the votes that might be cast for officers of the State as well as for members of Congress?—A. Every vote. The voter may put in a ticket with a dozen different officers upon it, it is counted for all of them.

Q. Do you think that the presence of the 216 special deputy marshals in all, and the two supervisors at each poll, who were acting at the last election at which members of Congress were elected in this State, had any tendency at all to secure a free and fair election here?—A. I could not say that. We of the registrar's office are closely confined on election days, never leaving the office, and what is really done at the polls we do not know of.

Q. I will ask you if anything you did, so far as you know, resulted in the striking off of any registered voters who were actually illegally registered?—A. We had no complaints afterwards from those who were stricken off, though there may have been complaints from two or three; I do not remember that there were any in that connection; I should judge that if they debarred any one from the right to vote, we would have heard of it, inasmuch as the persons so debarred would have come to us for information.

Q. Did they debar any one?—A. I could not say.

Q. Did you strike off from your list any number, and, if so, what number, at the instance of or upon information furnished by the special supervisors?—A. I think the number was some thirty-five or forty; Mr. Wightman spoke of it this morning; I have forgotten the number, but it was less than fifty. That was a result of the services of the supervisors.

Q. It was less than fifty?—A. I cannot say positively. In regard to the question of deaths, I wish to say that a list is returned to us by the registrar of births and deaths of those only who die within the city limits, and of whose death he can take official notice. The death of one of the aldermen of the city was not returned to us by the registrar, for the reason that the decease occurred away from the city and no certifi-

cate of death was considered necessary by the registrar; so, too, persons may die in the hospitals of whose death we receive no evidence.

Q. You do not continue upon the registry the name of any man after you have satisfactory evidence of his death?—A. At our own expense we reinvestigated all those death cases; but every return that the registrar makes to us we receive as his certificate of death and hold as an evidence of the authority under which we act. We do not take hearsay evidence of a death, but would have to investigate in any such case.

Q. But where you have satisfactory evidence that a man whose name is on the registry has died, you strike off his name?—A. Yes. Once in a while we kill a live man, but try not to. It is our province to restore him on the day of election if he turns up.

Q. You do not regard your record on that subject as imparting absolute verity, so that if a man is actually alive you would not consider that the record established his death?—A. Not at all. Between the time of our sending that record out to the polls and the opening of the polls, it may happen that several voters, whose names are upon it, may die. We endeavor to make the act of getting upon the voting list a very conscientious one and endeavor to make it about as hard for a man to get off after he is on.

Q. You have no doubt that there is abundant power under your State laws and constitution to conduct the elections of this State, so far as the city of Boston is concerned, without any outside aid or interference?—A. That may be, but, as I said before, if the Federal officers were men of sufficient caliber and education, I would consider that they might be a great aid to us.

Q. Still the elections could be carried on well without them?—A. They have been carried on without them for a great many years.

Q. You elected members of Congress tolerably fairly before this Federal election law was passed?—A. I have heard so.

By Mr. BLAIR:

Q. I understood you that at the time your board was established there were very great abuses attending the registration of voters in this city?—A. I have heard so.

Q. You found a very imperfect list?—A. We found a peculiar method.

Q. You found a list with twice as many names upon it as belonged there?—A. It was a list which was published prior to the election, but not on the day of election. What I tried to obviate at first, and what I thought was a hardship, was this: that a man whose name appeared upon the list as a qualified voter was thereby lulled into a sense of security as to his right to vote, when in fact the appearance of his name was no indication that he would be entitled to vote. Suppose, for instance, that your own name and residence appeared upon the list. You would therefore naturally feel confident that you would be able to vote without impediment. When you went to vote at the election two weeks afterwards, you are told that you could not vote, as there are dots against your name upon the list. If you ask an explanation, you are informed that the meaning of those dots is that you have not paid a tax within two years. You at once propose to pay the tax, but you cannot pay it as the time for payment with reference to voting has gone by. The consequence of that is, that there is a loss to the city of Boston in the non-payment of taxes and an injustice to the voter who has been lulled into a sense of security, when otherwise he would have taken

steps to have assured himself of his right. That was the condition formerly. The claim that I make is this: that when the city of Boston publishes the name of the man as that of a qualified voter, such a man should be in fact qualified at the time of publication. Therefore we hewed down the list twenty-two thousand, and this created a great deal of talk. The talk, however, amounted to nothing, because the twenty-two thousand who were thus left off the list qualified themselves in time for the next election and the list then commenced to increase.

Q. Do you believe that your list is more perfect than was the list which existed before the organization of your board?—A. It is decidedly more perfect.

Q. Wherein?—A. Because the facilities for perfecting it have been largely increased. Before the board was created the voting list was compiled by the city clerk, who, having a multiplicity of other duties to perform, could not give his attention to registration except at certain periods of the year. Under the new system the three members of the board have nothing to do but to devote their entire time to the work, and it follows necessarily that their list would be a more perfect one.

Q. But is not your list an imperfect one?—A. I have said that there was a great deal that was imperfect in its method of preparation.

Q. You mean to be understood as saying that prior to the organization of your board the voting list as actually voted upon was very imperfect?—A. As actually voted upon, I think it was a good list; but it was only a good list at the expense of the citizens. I mean to say that the persons whose names were represented there, and who did vote on the day of the election, were entitled to vote.

Q. Is there as much danger of fraud under your list as there was under the list made use of prior to the establishment of your board in 1874?—A. I think there is not as much.

Q. Is there any essential difference?—A. I should say there was, simply because more time is given to an examination of the list than was given to it before.

Q. But there would be very little occasion for this board of yours unless it did some good?—A. The statute laws on the subject have been almost entirely changed since we took charge.

Q. Has that change been for the better?—A. I think so.

Q. What are some of the evils which existed under the former method of registration, and which your board of registration has obviated in the interest of an honest ballot?—A. Not having been in politics, nor conversant with the details of the method of detecting errors prior to the organization of the board, I cannot answer as to that.

Q. Have you examined the election returns so as to be able to say whether or not a larger number of votes are cast in proportion to the population than formerly?—A. The largest vote cast under Mr. McCleary's list was, I think, 32,000 or 34,000 out of a total of perhaps 74,000 names. Last year there were upon the published list 53,000 names, of whom 47,000 voted.

Q. Did this increase of the vote result from the annexation of adjacent towns?—A. The board was formed subsequent to the annexation. No annexation has occurred since.

Q. Has the population of the city increased to an extent such as is indicated by that increase in the vote?—A. No, sir.

Q. How do you account for that increase of the vote?—A. I account for it by the fact that the former list included the names of many thousands who were not qualified, and who therefore did not vote, and the



consequence of the publication of their names, as I have stated, was that these citizens were lulled into a false security as to their right, and were not apprised that they could not vote until informed of the fact at the election-polls. This defect in the method is obviated by the publication, as at present, of the names of qualified voters, this being virtually a notice to these whose names do not appear to qualify by paying their taxes in order to get upon the list. Under the former practice the dots set opposite the name of a citizen to indicate that he had not paid his tax did not appear upon the published list, but were made by the ward officers on the night before the election. This practice was perpetuated by the present board in the first year of its organization, but, upon being informed, as they were, on the morning after an election in that year, that some forty-four names in one ward which had been dotted were those of men who had actually paid their taxes, the practice was discontinued. The present system simplified and made more effective the campaign work of the political parties by enabling them to get out a larger vote on either side than they would otherwise get out, as it furnished the names of those who were actual voters only, and the active workers of either party then brought forward those not upon the list whom they knew to be entitled to be there.

Q. Then under the former method it was not the voter but the political parties who were lulled into a false security as to their votes by the indiscriminate publication of the names of those who had and those who had not paid their taxes?—A. Exactly so. The constitution says that we shall publish a list, not of those whom we presume will pay a tax, but of those who have paid a tax.

Q. I concede that, in my opinion, that is a very great improvement. Are you acquainted with the present method of registration throughout the State?—A. I am, somewhat.

Q. What other evils have you found in connection with registration in different portions of the State?—A. I have found that the constitutional requirement of a reading and writing qualification has not been generally insisted upon. A selectman of a town who had just purchased a set of registration books, having occasion to pay me a visit, remarked to me that for once his town should have an honest registration. A few days afterwards, upon his calling upon me again, he described his effort as having resulted most deplorably. The first case which he had been called upon to dispose of had been that of his brother-in-law, and he remarked to me, "You wouldn't expect me to make my brother-in-law read and write." He had found that he could not enforce the law even as to his own family. There are other instances that I might refer to as showing that the constitutional requirement is not enforced. I remember having heard the city clerk of a large and populous city of Massachusetts state, in the presence of a committee of the House of Representatives, two years ago, that presuming that Bill or Jim Smith, of the board of aldermen of his city, handed him a foolscap sheet with a dozen or any other number of names upon it, he could not go back on the board of aldermen but would have to put the names on. In another city where it was presumed that the selectmen had said that the men in question were all right the names were put on.

Q. No personal application, then, is required in some localities, it seems?

—A. It would seem not.

Q. But all the names were put on that some one in authority wanted to have on?—A. If a member of the city council or any one in authority gave the names they were put on.

**Q.** Do you think that this looseness in registration exists systematically throughout the State?—**A.** The city of Worcester, I think, has a board of registration consisting of the chairman of the board of assessors, the city clerk, and one citizen elected at large. The cities of Worcester and Boston are, I think, the only cities in which the voting lists are not compiled by the city clerk. In the towns the compilation is made by the town clerk, but as every voter there is known to almost every other voter, and as the lists are put up publicly, there is very little liability to fraud.

**Q.** But in cities where there are forty or sixty thousand inhabitants some special provision, in your opinion, is necessary?—**A.** I think that there should be a special officer of registration in a city. With regard to the educational qualification, I have always claimed that it was not enforced in Massachusetts, and the fact that it has not been has often been demonstrated in my experience. In some instances when gentlemen who had lived in the State came to register in Boston, upon my asking, "Sir, will you please read," the answer was, "Is it necessary that I should read? Well, I have voted at such and such a place for forty odd years and I never knew before that I had to read," yet we had voted under the same constitution. In the matter of autographs of the men assessed a like condition of things exist in the cities and towns of the State generally, and if you ask to see the autographs you will find only a comparatively few.

**Q.** Do I understand you to say that they cannot have an honest registration in those cities and towns?—**A.** I do not say that they cannot have an honest registration. I do not say that a man who is not called upon to read because he is the brother-in-law of a registrar is a fraudulent voter, but I speak of it as one illustration of the necessity for a revision of the registration system.

**Q.** Nevertheless, in many cases, the man, if he votes at all under such circumstances, would vote without a legal right?—**A.** I judge so.

**Q.** Are there many evils, so far as registration is concerned, growing out of the use of fraudulent naturalization papers?—**A.** We have not observed it to any great extent. I think that the system is open to fraud in that respect.

**Q.** Explain wherein.—**A.** In the matter of witnesses. I remember in one instance, in which a party was arrested and tried as a false witness, that the facts which were developed in the trial rather surprised me, but I have not learned of many cases of false registration, and I do not know that in our experience we ever detected a false naturalization paper. If I remember the form, it is this, that each applicant is required to produce two witnesses who have known him for a certain number of years.

**Q.** That is in obtaining the original papers?—**A.** Yes, sir.

**Q.** How is it in getting his name upon the registration?—**A.** He must appear in person with the paper and answer that he is the person, and must read and write.

**Q.** What evidence have you that he is the person to whom the paper properly belongs?—**A.** Simply his word. Under the ruling of the city solicitor, if a citizen states that that which he produces is his naturalization paper, we cannot doubt his statement unless we have absolute proof to the contrary.

**Q.** Suppose that he tells a falsehood?—**A.** The burden is upon him. Of that class, ninety-nine cases in every hundred of those who come before us may be fraudulent, but we cannot prove it if such is the fact.

**Q.** Do you not think that in such cases it would be better to require

some outside evidence, upon the principle which obtains in a bank in requiring a stranger demanding payment to be identified?—A. We do not require evidence as to a tax bill which may be presented.

Q. That comes from an extraneous source and is based upon the record of the assessor?—A. Yes, sir.

Q. So that there you have evidence of a very strong character which does not depend upon the statement of the stranger at all. But the man with a naturalization paper may have come into possession of it by having had it given to him by a friend at home; yet, when he comes before you, you take his word as to the all-important question of identity, do you?—A. Yes, sir.

Q. And you say that, for all you know, ninety-nine cases out of every hundred may be fraudulent, but, under the ruling, you have no right to inquire into the facts, but must take the word of the party?—A. We have to take his word. I do not say that I have any idea that ninety-nine cases out of every hundred are fraudulent, but what I mean to say is that I cannot prove that a stranger who appears before me is the man whom he claims to be or not.

Q. If you thought that ninety-nine out of every hundred cases were fraudulent you would make some inquiry in regard to them, would you not?—A. Certainly.

Q. There is not, then, the ordinary safeguard around the exercise of the ballot in that respect that obtains in common business affairs?—A. How could you more safely guard it?

Q. Could you not require the man to produce witnesses?—A. I should not know his witnesses.

Q. Exactly, but if three men swear to the same thing, there would be all the less probability of falsehood?—A. But we do not swear every applicant for registration.

Q. You are required to, unless you are perfectly satisfied?—A. O, if we have any doubt, we swear the man. We do in some instances swear parties.

Q. The question, however, is not as to what satisfies you, but as to what is the opportunity for imposition upon you. Do you think really that there are here such strong safeguards thrown around the exercise of the suffrage in this respect as there ought to be?—A. I hardly know how you would improve it.

Q. The man is obliged to make oath in court in the first instance. Might he not, in the same way, be obliged to produce witnesses to prove that he is the same Dennis McCarthy who is mentioned in the naturalization paper, and that they have known him to be in possession of it for a certain length of time?—A. What would you, as a registrar, do if I came in and represented myself as having always lived in Springfield?

Q. If the law required additional proof it would be incumbent upon you to produce witnesses from Springfield.—A. That would be such a hindrance to registration, if followed to any great extent, that it would be scarcely practical to require that.

Q. Why not require the man to produce evidence from the records that he had exercised the suffrage there?—A. But suppose that his representation was a false one and he had never voted there?

Q. Then he will have lied to you in averring it.—A. I do not care if a man has been qualified in every city and town in the State of Massachusetts, when he comes before me he must qualify before me.

Q. But it seems that you do not require proof at all if you happen to

think that he is a good fellow and does not tell a long story.—A. There are very few of whom we require proof.

Q. I understand that under the law as it is you may require a man to make his statement under penalty?—A. A statute law requiring that all persons shall be sworn would cover it.

Q. The statute law does now require it, in your discretion?—A. Where we have any doubt, it does.

Q. Of course in the great mass of cases you would be all right; but is there not a looseness of practice in the law itself, and a looseness in the terms of the law itself, by reason of which you are liable to great abuses where you have the applications of men who fraudulently possess naturalization papers?

—A. Certainly, as there may be also in the cases of native citizens who possess tax papers.

Q. But the tax paper is extraneous evidence as to which you do not require proof. I suppose that, with your very extensive acquaintance with the operation of the suffrage laws of the country, you are, of course, aware that the most gigantic frauds against the laws of the country have grown out of this same looseness to which I now call your attention?—

A. Yes, sir.

Q. Whether fraud is actually occurring in this loose practice as to naturalization papers, you cannot say?—A. I do not think that there is any.

Q. It is very evident that the board of registrars which you have in this city is an extremely efficient one, but it may not always be the good fortune of a city or town to have as registrars gentlemen who are as honorable, capable, and efficient as are the members of your board. Therefore, under the present condition of the law, do you not think that a stricter application to their duties on the part of the registrars should be insisted upon by the law?—A. It may be that it should be.

Q. Do you think it wholly safe to leave it discretionary with these officers whether they shall apply tests or not? You have observed the looseness in that respect in the instances you have mentioned, particularly in that of a dozen or more names being placed upon the list by a town clerk, or city clerk, at the suggestion of others in authority, without any questions being asked?—A. In other parts of the State, you mean? I should like to see a statute like that of the city of Boston enforced in every town and city of Massachusetts. I suppose, however, it is utterly impossible to have a registration without a certain amount of fraud.

Q. You think there is some fraud in the registration in this city?—A. I do not question but that there is.

Q. The object of the requirement of these tests is the prevention of fraud?—A. That is what we aim at. In that connection, I may say that fault has often been found with the board upon pretexts that were not justifiable; in other words, fault has been found that we do not treat every man who comes into the office as a condemned felon; but I have not, in a period of ten years, seen enough of fraud to destroy my confidence in any individual. Ineffectual attempts in that direction are made from time to time. At the very last election, there was an attempt of that kind. The man in that case looked to be honest enough and I asked him several questions, when he seemed somewhat confused; and when I was about to ask him another question, I saw his coat-tails going through the door.

Q. But if you were a dishonest registrar a man who had no right to have his name on the list could get it there?—A. Even if I had been

personally and intentionally dishonest, in that case, for instance, the name of the man would be published, and you as a citizen, or any other, would have the right to make complaint that that man was not a voter.

Q. But you have admitted his name?—A. Yes; but it is subject to public inspection and liable to be stricken off upon investigation.

Q. If that man had been placed under oath and had succeeded by swearing falsely in having his name entered, he would have soon been locked up in the city prison?—A. Certainly. In the matter of the reading and writing qualification, my own ideas and those of Judge Hallett differ considerably. I passed certain men last fall whose writing looked like the crawling of a fly across a page, but I hold that there is as great a diversity in the degree of proficiency in that respect as there is in any other accomplishment. I hold that, if no one had written nor read better than another, there would never have been any necessity for professors of writing or of elocution.

Q. But you are appointed specially to do this work, and the citizens generally who may be relied upon to make exposures of improper names may not busy themselves in that regard as they have other matters to engage their attention and are about their own business. They are not going to pay very much attention to the voting lists?—A. They pay just enough attention to them to come in and tell us our lists are overwhelmed with fraud. Therefore I look upon outside advice as somewhat trivial indeed.

Q. So that this publication of the list to the world at large really helps you but very little?—A. It serves largely to notify those who are off the list of the fact that they are off and the necessity for getting upon it.

Q. And stirs up the political workers?—A. Yes, sir. I may add that I consider the right of suffrage under a republican form of government as one of the most sacred things, and one which I do not think can be too safely guarded.

Q. But my questions have been directed to ascertaining whether under your law that right is as carefully guarded as it might be or as it ought to be?—A. I do not think that it is. I do not think that there ought to be by law any hinderance to honest registration, but I think that the way of an evil-minded man might be made more difficult than it is at present.

Q. I have seldom found a gentleman who understood this matter of registration as well as you do, and I would like to have, for the use of the committee, any suggestions that occur to you with a view to the improvement either of the United States law or of the State law, so far as it may bear upon registration.—A. I do not consider myself competent to speak so far as the United States law is concerned, but with reference to the State law, I think that a new registration throughout the State would be beneficial.

Q. Explain what you mean by a new registration.—A. I would have a new voting list at the municipal election of the coming year.

Q. Who should make this new list?—A. There should be constituted authorities in every city and town to make such a list. I would have every citizen in the city of Boston newly registered and requalified. I for one should be obliged to read and write over again. An attempt in this direction was made in the legislature this year; but it was an invidious proposition, as the city of Boston, in which this constitutional requirement is most persistently enforced, was singled out for a new revision. I would suggest that the law should be made applicable to the

entire State, and carried out with like efficiency throughout the commonwealth.

Q. Is there any other suggestion developed by your experience which now occurs to you ?—A. I don't think it would be a bad plan to have this idea of paging and lettering carried out throughout the State. It would prove not only a great help to honest registration, but a benefit to that class of citizens who are subjected to inconvenience by the less efficient plan. It is absolutely in the interest of the voter.

Q. But if in making a new registration you cast aside the work of the assessors, this plan of paging and lettering would not be applicable.—A. We still want to have the assessors, as their list would be necessary to show that voters resided in the State six months before the election.

The WITNESS (in answer to Mr. Blair) further suggested, as an efficient means of perfecting a reliable registration system, the creation by the State of a new office, to be known as that of the supervisor of registration, the business of which would be to teach the method of registration, with a view to extending a uniform system throughout the entire State. Referring again to the practice of voting upon tax-bills which had been paid by persons other than the voters themselves, he said that the practice was a common one; that those whose taxes were thus paid could be numbered by thousands: yet the right of such men to vote was exercised honestly; that the influence of the practice in point of morality was pernicious, as the voter practically sold his vote for two dollars to whoever had paid the tax for him.

Q. Does your statement apply to cities of the State other than Boston ?—A. I do not think there is a town or city of the State that is an exception.

Q. State whether your lists, as corrected since 1874, do not contain many names that have come down to you from former generations, you might say—that is, from previous years—which have never been scrutinized by your board at all.—A. You mean names of which we have no proof? Certainly there are. They are those which were handed down to us by Mr. McCleary. A new registration would completely wipe those out.

Q. How many do you think would there be of those ?—A. I could not tell.

Q. Could you fix a minimum ?—A. I could not, for the reason that in the five years I have been in the office we have registered perhaps 150,000 people, including those who have removed from one place to another and have been newly registered, and have, I suppose, 50,000 autographs. It would be impossible to distinguish among these the old voters.

Q. Can you state the number of names that are wrongfully upon the list ?—A. I cannot.

Q. You do not think that the list is perfect ?—A. I think it is as near perfect as it is possible for us to make it. If at any time any question is raised in regard to any names upon the list, we at once make an examination as to those names.

Q. Have you to-day no estimate of what names upon the list are those of men who have been tested and qualified ?—A. It is impossible to get at the number. I think it is very small. As compared with Judge Hallett's figures of from 3,500 to 5,000, I should give the other extreme.

Q. Do you think there can be as many as from 1,000 to 1,500 ?—A. I do not think there can be more than a thousand, yet there may be. A

man comes in and when questioned may state that he was born in Chicago. I put him on as a native-born voter; yet he may have been born in Spain.

By Mr. McDONALD:

Q. You do not know that there are any illegal voters upon the list?—A. No, sir.

Q. If there are any, they will be removed upon being discovered?—A. Yes.

Q. The only reason why you state that there may be some is that no work of that kind can be entirely perfect?—A. I know that it cannot be perfect, because of the intense partisan heat of an election and the earnestness of the efforts on both sides to increase the list. I think that within the two months preceding an election a very large quantity of conscience is swallowed in the city of Boston.

Q. Do you not think that the most effective remedy for illegal voting is small election districts?—A. Yes. It was for that reason that I advocated the precinct bill which was proposed two years ago. In my investigation of that subject, I visited all the large cities, and found that the average number of voters to a precinct in New York was about two hundred and forty-eight, and in Philadelphia two hundred and fifty. In New York there are some two hundred and odd polling places, while Philadelphia has, I think, over three hundred. In the city of Brooklyn, after the revolution in the condition of things which took place with reference to the famous McLaughlin ring, an appeal was made to the legislature, and the citizens succeeded in securing what is known as the Brooklyn registration law, which is one of the best laws on the subject in the country. Some of the features of the system in New York and other places might be made of incalculable benefit in this city, and it would be well worth the time if an investigation could be made with the view of utilizing some of their features. As a whole, however, it would be impossible to apply them here because of the difference in the time by which we are required to have our registration—six months before the election, and other peculiarities in our registration.

Q. This poll-tax qualification to vote, you think, introduces a corrupt use of money in elections in this city?—A. I think it does largely; because if it was not used in that way the tendency to use it in other ways would not be so great.

Q. They use money to pay a man's poll-tax and they give him more money before they get through with the election?—A. There is no doubt of it.

Q. In registering, does a foreign-born citizen have to produce a tax receipt in addition to his naturalization papers?—A. Every applicant for registration is required to furnish a tax receipt.

Q. Then he must produce that much more of proof than is produced of the native-born citizen, who presents merely a tax receipt?—A. Yes.

Q. So that you have more documentary proof before you in regard to the naturalized citizen, as to his identity, than you have in the case of a native-born citizen?—A. Certainly. We have all that a native-born citizen is required to produce and a naturalization paper in addition.

Q. The naturalization papers, of course, prove one fact?—A. They prove that somebody has been naturalized, but not that the individual presenting them has been naturalized.

Q. And the tax receipt proves that some one has paid a tax?—A. Yes.

Q. With both of these papers together, and your own opportunities of observation of men, do you think you have often been deceived?—A. I do not think that we have. I think that deception has been practiced as to every class of voters, but not as to the naturalized voter particularly.

Q. Take the case of the man of whom you have spoken, who came with the naturalization paper and made a mistake in giving the date of his naturalization?—A. He betrayed himself in this way. He had not looked at the date of the paper and did not know that I was looking at it. I looked at it casually, because I suspected him from his appearance.

Q. A man undertaking to personate a naturalized citizen entitled to vote would then have a double task to perform in this, that he would have to be correct, not only as to the date on which he paid his tax and got his receipt, but also as to the particulars of his naturalization papers?—A. Yes.

Q. You have spoken of the fact that in other parts of the State registration is more loosely performed than it is here in respect to reading and writing?—A. The evidence that we have had of that consists of information given us by citizens coming here and applying to be registered. They have stated that the tests had not been required formerly of them.

Q. Still the persons who have raised that objection were men whom you yourself thought qualified to read and write?—A. I doubt every man who comes before me until he has demonstrated his capacity.

Q. But that is not the rule in Massachusetts?—A. It is in our office. If you, sir, had never voted in Boston, and applied for registration, I would not perhaps doubt your qualifications, but I would require you to furnish evidence of them.

Q. But as a general rule a majority of the people of Massachusetts who apply to be registered can read and write?—A. I do not think that we reject five cases in one hundred for the reason that the party cannot read or write.

Q. As compared with those who can read and write sufficiently to qualify them to vote, the percentage of those who cannot read or write their names is very small indeed, is it not?—A. I judge so.

Q. Therefore, applying the principle that the law applies in such cases, the presumption would be that the party applying could read and write?—A. Yes, sir.

Adjourned.

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BOSTON, August, 15, 1879.

GEORGE G. CROCKER sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In Boston.

Q. What was your connection with the Republican committee for the State of Massachusetts in the Congressional campaign of 1878?—A. I was secretary of the Republican State committee.

Q. As such, did you keep the records and minutes of the committee?—A. Yes, sir.

Q. Who was chairman of that committee?—A. Adin Thayer, of Bristol.

Q. Of how many members is the committee constituted?—A. There are forty members of the committee.



Q. Were they distributed throughout the State generally?—A. Yes, sir.

Q. How many resided in Boston?—A. Eight.

Q. How many in the county of Worcester?—A. Five.

Q. Give the names of the latter? A. Adin Thayer, Arthur G. Biscoe, Chester C. Corbin, George Whitney, David H. Merriam.

Q. Give the names of those resident in Boston?—A. Samuel P. Tenney, Eugene L. Norton, Alfred A. Clatur, William E. Perkins, George H. Bond, Calvin M. Winch, Christopher J. Spenceley, George R. Fowler.

Q. Was there an executive committee of the State committee, and, if so, of how many members did it consist?—A. There was. It consisted of the chairman, *ex officio*, the treasurer, and twelve other members.

Q. Give their names?—A. The chairman was Adin Thayer; the treasurer, S. B. Stebbins. The other members were William E. Perkins, Lewis N. Tappan, A. D. Fessenden, George Whitney, Frank A. Hobart, Charles T. Bonney, Samuel Snow, John D. Long, Charles R. Ladd, Richard Kingman, Richard Goodman, L. J. Gunn.

Q. Were any of the gentlemen, either of the general committee or of the executive committee, connected with official place under the Federal government?—A. No, I think not.

Q. Can you give me generally, without details, the powers of the executive committee?—A. They have full power to act in the absence of the general committee, and would call the general committee together for any special matter that required their consideration.

Q. And generally to conduct and control the campaign?—A. Yes.

Q. Do you know how many meetings of the executive committee there were after the organization?—A. No; I do not remember. There was a meeting at least once a week after the convention, and sometimes oftener than that.

Q. Was there any general delegation of power to the chairman and treasurer?—A. I think not.

Q. Who conducted the campaign practically?—A. The executive committee.

Q. Who was in charge of the headquarters?—A. The chairman and secretary and their agents.

Q. Mr. Thayer and yourself, and his and your agents?—A. Yes, sir. The assistant secretary was there.

Q. Do you know of any meetings of the executive committee which were called in other sections of the State than Boston?—A. No.

Q. Do you know of any meetings called in other sections of the State, of leading citizens, at which Mr. Thayer was present?—A. I do not.

Q. Have you no record of any such?—A. No.

Q. Have you no order for any such meetings?—A. No. Of course the convention at Worcester.

Q. I do not speak of that. I speak of the conduct of the campaign, whether there was or not any delegation of power to Mr. Thayer and whether in pursuance of such delegation of power, there were meetings held of leading citizens at different points throughout the State during the campaign?—A. I never heard of any in connection with the Republican State committee.

Q. What is your knowledge of them with reference to conducting the canvass, whether there were or were not such meetings?—A. There were meetings all over the State, of course, but no meetings in connec-

tion with the Republican State committee. Of course there were meetings called in all the towns, and they were called by Republicans.

Q. Certainly, I do not speak of the general campaign; I speak of private meetings with leading individuals throughout the State in different sections of the State. Have you no record of any such or no knowledge of any such?—A. No.

Q. Do you know whether the fund in that campaign, any part of it, was raised by contributions from Federal officials?—A. I think not. I know there was a very decided feeling in the committee that it should be raised outside, and I believe that it was entirely raised outside.

Q. Was no contribution made by either the custom-house, the post-office, the United States officers, or the collectors of internal revenue, and so forth, in Boston, in aid of the conduct of the campaign?—A. I cannot say that there was not, because I did not receive the money. I never heard of it.

Q. What is the name of the treasurer of the committee?—A. Mr. Solomon B. Stebbins.

Q. Have you a record or copy of the circulars issued by the committee during the campaign?—A. Yes; I instructed one of the clerks in the office to paste in a book a copy of every circular that was issued by the Republican State committee.

Q. Can you present them to the committee?—A. They are in the book which I hold in my hand.

Q. We do not wish to inspect the contents of your book as to any private matter it may contain?—A. I do not think that there is any private matter in this book, or anything to which it refers in the whole campaign that we should not be willing to make public.

Q. You may, then, refer the stenographer to the circulars that were issued and he will take copies of them?—A. Would you like to have any of these circulars read?

The CHAIRMAN (after referring to the book handed to the committee). Some of them are doubtless of such routine character that it would not be necessary for us to refer to them; our attention, however, having been called to the circulars, we will take the liberty of casually looking over the book to see what they are.

The WITNESS (after informally directing the attention of the chairman to the contents of particular pages, and being requested to read from page 68, read a circular as follows, the form of the same being here given in full):

REPUBLICAN STATE COMMITTEE OF MASSACHUSETTS,  
HEADQUARTERS, 376 WASHINGTON STREET,  
*Boston, September 19, 1872.*

ADIN THAYER, Chairman.

S. B. STEBBINS, Treasurer.

GEORGE G. CROCKER, Secretary.

DEAR SIR: A desperate attempt is being made, under a hypocritical pretense of State reform, to deliver Massachusetts over to the Repudiationists, Greenbackers, and Communists.

This attempt should excite the alarm and indignation of every Christian citizen, and call forth the active, earnest, and persistent opposition of every lover of the fair fame of Massachusetts.

It must be met defiantly and vigorously at once by private and public appeal to the intelligence, honor, and conscience of Massachusetts.

The State ticket nominated by the Republican party stands for public and private honesty and national good faith.

We earnestly invoke your active aid in securing its election, and thus saving the "old commonwealth" from the control of unscrupulous and self-seeking demagogues.  
Per order of the Republican State Committee.

ADIN THAYER,  
*Chairman.*

GEORGE G. CROCKER,  
*Secretary.*

The WITNESS (turning to page 81 of the book). One week later, on September 26, as I find upon the page before me, a circular was issued as follows :

REPUBLICAN STATE COMMITTEE OF MASSACHUSETTS,  
HEADQUARTERS, 376 WASHINGTON STREET,  
*Boston, September 26, 1878.*

ADIN THAYER, Chairman. }  
S. B. STEBBINS, Treasurer. }  
GEORGE G. CROCKER, Secretary. }

DEAR SIR : In order to enable us to distribute documents effectively, will you kindly furnish us immediately with a list of the male members of your church and parish, and with such other names as you may deem expedient. By so doing you will aid us in saving the honor of our commonwealth.

With esteem, yours,

ADIN THAYER,  
*Chairman.*

GEORGE G. CROCKER,  
*Secretary.*

Q. Was that circular sent to clergymen ?—A. Yes, sir.

Q. How generally ?—A. We took the various religious monthlies, or some of them, where we got lists of clergymen throughout the State and mailed these to them.

Q. To all the clergymen that you could reach from those lists ?—A. Yes.

Q. Were there responses from them ?—A. There was a large number of responses from them.

Q. Did you furnish the names of the clergymen thus obtained with documents ?—A. We did.

Q. Has that been the practice, so far as you know, in Massachusetts ?—A. That was a new idea.

Q. On what day was the election held ?—A. November 5.

The CHAIRMAN (after turning over the pages of the book). I find on page 111 a ticket containing the names of Republican candidates voted for at the governor's election last year. On the back of the ticket appear red-tinted stripes.

The WITNESS. That is the Republican ticket that was used in Boston by the ward and city committees. I put it in there only as a sample. It was not used by authority of the Republican State committee.

Q. Not by its special authority ?—A. No, sir.

The WITNESS (by the chairman's direction, next turned to the page containing the circular of October 26, and read the following) :

REPUBLICAN STATE COMMITTEE OF MASSACHUSETTS.  
*Headquarters removed to 376 Washington street.*  
*Boston, 26th October, 1878.*

ADIN THAYER, Chairman. }  
S. B. STEBBINS, Treasurer. }  
GEORGE G. CROCKER, Secretary. }

MY DEAR SIR : Your duty as a prominent and influential citizen demands that your efforts to make the defeat of Butler an overwhelming one should be *absolutely unremitting*.

The reputation of our commonwealth for honor, honesty, and intelligence is at stake.

That reputation has been won by the sturdy integrity and earnest and unfaltering perseverance of generations, and has been handed down to you as a *sacred trust*.

The vast majority of the followers of Butler believe in REPUDIATION and COMMUNISM. If he should by any possibility succeed, THEY WOULD CONTROL.

Do not allow yourself to underestimate the gravity of the responsibility which rests upon you by reason of your ability to do efficient work in such a crisis as this.

We invoke your co-operation with your Republican committee.

We invoke your careful thought and untiring zeal.

We invoke your persistent, personal, and individual efforts to get out every possible vote for Thomas Talbot and John D. Long, both of them ideal champions of honest, intelligent, and economical government.

Remember that the RESERVE VOTE IS HEAVY AND MUST BE BROUGHT OUT.

The voice of Massachusetts on the fifth of November will once again thrill us with pride and joy.

Sincerely, yours,

GEORGE G. CROCKER,  
*Secretary.*

Q. Was that circular lithographed?

The WITNESS. It is a heliotype circular.

Q. Was it printed and distributed generally?—A. It was sent to prominent gentlemen in various cities and towns. How many were sent I do not remember. I should say some 200; perhaps more.

Q. Have you any record that will show the names of those persons to whom it was sent?—A. I do not know whether we have or not.

Q. Can you not state from your recollection?—A. I think that we got those names in answer to a circular to the town committees requesting them to give us the names of influential gentlemen in their towns who ought to take an interest in political matters, and who had not been sufficiently stirred up; and we sent that circular to those persons.

Q. Were the names that were solicited those of gentlemen employing labor?—A. No, sir. I find here the circular to which I refer. (Reading from another page of the book :)

REPUBLICAN STATE COMMITTEE OF MASSACHUSETTS,  
*Boston, October 18, 1878.*

Please send us word at once whether you have received such documents as you need and what you have found to be the best method of distribution. Please also send us the names of ten or more men who would do efficient work if they could be aroused.

We shall send from headquarters to each of these men whose names we receive an urgent request that he should take an active part in the campaign.

Sincerely, yours,

GEORGE G. CROCKER,  
*Secretary.*

The WITNESS. This circular was sent to those men who were named.

Q. Do you know whether or not in any of the towns of the State Mr. Thayer had meetings with certain gentlemen connected with manufacturing corporations in the State in reference to the control of voters in such corporations?—A. I do not. I never heard of any.

Q. Do you know anything, speaking generally, of amounts of money used in the Congressional campaign of 1878 by the Republican State committee?—A. I know generally about it. Of course, the particulars you can learn from the treasurer. I should think it would be better to get that information directly from him.

By Mr. BLAIR:

Q. Please examine the circular now shown you and state whether you know anything of its origin.

[NOTE.—The circular here examined by the witness is the first in order of the papers laid before the committee in the printed pamphlet, Part III, reading as follows:]

DEAR SIR: Your co-operation with the Massachusetts Republican State Central Committee is most earnestly requested. It is in your power, by the authority you can exercise over those employed by you, to maintain the honor of Massachusetts and keep it out of the hands of spoilers and political knaves who have selected General Butler as their candidate. His election would disgrace our State, and ruin our standing at home and abroad. A thorough canvass of those you employ and an early report to the secretary of the Republican State Central Committee will be thankfully received.

A. The first that I heard of that circular it was in Benjamin Butler's hands at a Faneuil Hall meeting.

[At the suggestion of Mr. Blair, the circular was here read aloud by the witness.]

Q. You were saying that the first you knew of that circular it was in the hands of Benjamin F. Butler at a Faneuil Hall meeting?—A. A Faneuil Hall meeting, I think it was; about the 18th or 19th of October. He brought out this circular and intimated—did not say directly, but intimated—that it was used by the Republican State Committee, and then stated that they had been afraid to have it printed in Boston, and had had it printed in New York; that one of his men had kept sight of the original package of three thousand from the time it left New York until it arrived in Boston, and that he had secured a copy. Then he went on to make capital out of it. On the next day, the chairman, Mr. Thayer, and I sent to the newspapers a statement denying all connection with the circular, and not only denying all connection with it but also saying that the circular had not been issued with our consent, nor had we ever heard of it until we saw it in the papers as brought out by General Butler.

Q. Is that statement which you had published to be found in the book here?—A. I do not think it is.

Q. You say you gave it to the papers of the city?—A. Yes.

Q. Was that notification of repudiation of this circular generally circulated throughout the State?—A. Yes. It was a matter of very great interest, and I saw it in a large number of the newspapers.

Q. You gave it to the press generally, and it was generally circulated throughout the State?—A. Yes. Not only did we not know anything about the circular, but you will see that the circular, at the end of it, calls for a report to be made to the secretary of the Republican State Central Committee. If Mr. Butler's friends had circulated the circular, had sent it out, I should have supposed that some reports would have come to me from it; but no report was ever received by me connecting itself with the circular.

Q. Have you ever been able to learn that such a document was actually circulated excepting as it reached the public through this statement of General Butler's at Faneuil Hall?—A. I think it could not have been. I was never able to see the document myself; never able to obtain a copy.

Q. Have you any doubt that if any three thousand copies of it had been circulated throughout the State you would have been able to have found one of them?—A. Not at all. I tried hard to get a copy.

Q. Have you any knowledge of the improper use of money by members of the Republican party for the purpose of influencing votes in the election in 1878?—A. No.

Q. Was any money appropriated or allowed to be used from the funds of the committee for that purpose?—A. Not that I know of. I believe not.

Q. Have you knowledge of any means having been resorted to by any party for the purpose of intimidating or wrongfully influencing the

ballot as it was exercised at that election, or at the Presidential election of 1876, or at any general election in the State at or since November, 1876?—A. The nearest thing there is to bulldozing in Massachusetts, I think, is the practice which is somewhat in vogue in the large cities, of subsidizing liquor saloons in the immediate vicinity of the polls.

By Mr. McDONALD :

Q. What do you know about that yourself?—A. I will tell you just what I know.

Q. You were asked for information of your own knowledge?—A. I will give just the information that I have. I see men invited into a liquor saloon; I see them come out shortly thereafter under guard, in charge of another man who has previously put through others; they walk with that man to the polling place, and if I or any other member of the opposite party attempt to put a ballot into their hands, it is taken away from them; if I attempt to stop them or talk with them, I am either insulted or pushed aside. That is so in some of the wards of the city, in the wards in which I have been. When they arrive at the polling place they are rushed up to the polls by their political friends, I suppose; and if another ballot is put in their hands, it is taken away from them, or else they are called back, re-primed, and then pushed or hastened up to the polls again. I have seen that done in wards of the city in which I have lived, hundreds of times.

By Mr. BLAIR :

Q. By what party?—A. Almost exclusively by the Democratic party.

Q. You say you have observed this in the wards in which you have lived. Have you lived in more than one?—A. I have lived in two wards.

Q. What wards are they?—A. Old ward four and the new ward twelve, which is a very strong Democratic ward.

Q. Of what class of voters are those you refer to as being thus subsidized through the agency of the liquor saloons, and induced to vote the Democratic ticket?—A. They are principally ignorant men, working men, who come along about twelve or one o'clock, as they get off from their work, who are very ready to take a glass of rum and are bribed thereby.

Q. Have you known of the wrongful use of money for a like purpose by any party here in the city, at the polls?—A. I never have traced money back to any candidate, but I know that there must be money spent, else the liquor would not be forthcoming.

Q. But my question has reference to your knowledge of the use of money directly to bribe the voter himself. Have you personal knowledge of any practice of that kind?—A. No; I have no personal knowledge of it; I never attempted to act as a spy.

Q. But this other that you have observed has been open and public, has it?—A. Yes.

Q. And, as you have described, is a somewhat common practice in those wards. What is the fact as to its existence in other wards in the city?—A. It is more or less common, according to the class of people who are residents of the ward.

Q. How numerous is this class that are thus acted upon?—A. They are numbered by thousands.

Q. I think it was testified to that the whole registration of the city is some 54,000. Of course, speaking from judgment, you cannot be exact in a matter of this kind. You say they are numbered by thousands.

How many thousands of them are there, in your judgment?—A. I have never estimated it in that way, but I should say that there are more than 10,000 in the city of Boston who could be influenced in that way.

Q. Have you any knowledge of circulars issued by the opposing political party last autumn, or at the Presidential election of 1876, or at the gubernatorial election in the State, in 1877?—A. No, sir.

Q. You have not acted as a spy in that regard?—A. No, sir; copies of our circulars were always made by the Butler spies, I understood in our office, but we never troubled ourselves about them.

Q. Have you ever had occasion to observe any violence at any of the ward polling places in the city, practiced against Republicans by those who were acting for or were in the interest of the Democratic party?—

A. Yes; there is apt to be more or less pulling and pushing.

[NOTE.—A statement by the witness at this point was subsequently eliminated upon the fact appearing that it had reference exclusively to the city election of 1877.]

Q. What is your opinion of the usefulness of the Federal election laws as you have seen their efficiency demonstrated in this State?—A. I think they are very beneficial.

Q. State your reasons for that opinion.—A. I think that they help to secure a more perfect registration and that they also help on election day to prevent ballot-stuffing and other frauds in the ward room. An independent body, a second body of men coming to the ward-room act as a guard on the wardens and inspectors; and I think that at this last election (the election of 1878), they had a very beneficial effect in preventing fraud.

Q. How was it as to a prevention of illegal voting by the presence at the polls of the marshals, and the knowledge that must have extended through this city that there was a liability to an immediate peremptory arrest in case of an attempt to vote fraudulently? Had that any deterring effect?—A. I think it had a very great deterring effect.

Q. Do you know of any abuse of a citizen or any wrongful influence attempted to be used by the supervisors or the marshals at the last election, or at any election?—A. No; I never heard of any.

Q. You not only have no personal knowledge of any complaint, but you have never heard of any?—A. No, sir.

Q. Have you on the contrary heard comments by leading men in either political party as to the manner in which this body of Federal officers discharged their duty, or heard anything said about it one way or the other in the community?—A. Yes.

Q. What seems to be the general sentiment in that regard?—A. The general opinion among those whom I met, was that they had done good and had performed their services pretty well.

Q. Is there any other matter of consequence that occurs to you to state to the committee?—A. I do not think of any.

By Mr. McDONALD:

Q. How long have you been an active partisan or politician?—A. I do not consider myself exactly a partisan politician.

Q. You have been connected with the political machinery of the Republican party in this State, have you not?—A. I was secretary of the Republican State central committee for two years.

Q. Do you think that that was not a very partisan place?—A. No.

Q. For two years you have been acting as a political partisan on the Republican side?—A. Yes. On the other hand, if the Republican

party had nominated a man whom I did not believe in, I should have resigned my place.

Q. If they could have found such a man in Massachusetts, one whom you did not believe in, you should not have gone for him ?—A. Yes. If Benjamin F. Butler had been nominated in Massachusetts I should not have gone for him.

Q. Then there was one man in Massachusetts that the Republican party could nominate whom you could not support ?—A. There are more.

Q. What was the majority against Mr. Butler at the last State election ?—A. The plurality against him was twenty-six thousand odd. The year before the Republican plurality was eighteen thousand.

Q. You think that there are ten thousand voters in this city whose votes can be bought for liquor ?—A. I am afraid there are.

Q. Bought for either party ?—A. I am afraid so.

Q. Do you not think that that is a pretty big estimate for your city ? How much liquor do you think it would take to buy a vote ?—A. It would be according to the capacity of the man.

Q. One drink ?—A. I have never attempted to make any investigations in that matter.

Q. As to these persons you have seen go into saloons in company with other persons, and then come out and go to the polls, what was their political bias, to what party were they understood as belonging ?—A. They were almost invariably understood as belonging to the Democratic party.

Q. They were Democrats who went in with them, were they ?—A. Yes.

Q. Do you suppose that they were going in there to buy the votes of those men when the men were Democrats already ?—A. It is difficult to get a man to the polls, you know, and there a good many divisions and subdivisions of the ballot.

Q. Did you ever try to get a ticket into the hands of one of these men when he came out ?—A. I have.

Q. And he would not take it from you ?—A. I have had a ticket to get into his hands, and his guard has taken it away from him.

Q. Did you offer him anything else besides the ticket ?—A. I never did.

Q. How did you expect to get his vote by simply putting a Republican ticket in his hands, if he was a man who sold himself ?—A. I thought I would make the attempt. I did not have much hope.

Q. Then you were not very much disappointed when he did not vote your ticket ?—A. No ; it was what I expected.

Q. But you think that that man's vote could have been bought for the Republican party with a little more liquor, do you ?—A. I don't know that it could have been bought with a little more liquor, but I think it would have been easier to get him to vote the Republican ticket if somebody else had got hold of him and offered him liquor.

Q. Why did you not try the experiment ?—A. Because I did not think that such persons were fit to exercise the right of suffrage.

Q. Why then did you offer him a ticket if you thought he was an unfit person to exercise the elective franchise ?—A. If he was going to exercise it, it would be better for him to vote my way than the other way.

Q. You thought you would exercise it for him more intelligently than he could ?—A. No ; I would give him the choice if I could.

Q. Still you thought he was an unfit person to exercise the elective franchise ?—A. If he allowed another person to boss him, to take the



ballot away from him without his judgment in the matter, I would have thought him unfit.

Q. If he had allowed you to boss him, would you have thought any better of him?—A. I should not have attempted to boss him.

Q. You offered him a ticket?—A. Yes. Is that bossing him?

Q. That was undertaking to get his vote, was it not?—A. Yes.

Q. If he had acceded to your request and voted your ticket, would you have thought any better of him?—A. If he had displayed any intelligence in his choice, I should have thought better of him.

Q. Of the ten thousand men in this city whose votes you think could be bought with liquor, do you know that there are any Republicans among them?—A. Yes.

Q. What proportion do you think are Republicans?—A. I could not tell. There are some undoubtedly.

Q. There are undoubtedly Republicans in this city whose votes can be bought with liquor. Have you ever known the experiment to be made?—A. I suppose it has been made.

Q. You have known it to be made, have you not?—A. No.

Q. I would like to get at the proportion, as near as you can give it, of these ten thousand who you think are Republicans, and whose votes can be bought with liquor.—A. It would be very hard to state. Possibly one or two thousand.

Q. Since you have been secretary of the Republican State central committee, has not that organization used pretty much all the instrumentalities they knew of to secure votes?—A. No, sir; they have used only those instrumentalities that they thought were proper.

Q. What instrumentalities that they knew of by which votes could be controlled have they not used?—A. There is the subsidizing of the liquor saloons, which is one that we have never used.

Q. No Republican in the last two years ever subsidized liquor saloons?—A. I did not say that. You were talking about the Republican State committee. I cannot vouch for every Republican throughout the State.

Q. You do not undertake to vouch for them?—A. No.

Q. It was not the business of the Republican State central committee to buy up saloons?—A. No, sir.

Q. That was not within "their lay"?—A. I do not know; they did not do it.

Q. Did they pay any taxes?—A. No, sir; except in a very few cases. I think there may have been a very few paid by the office, but our instructions were—

Q. How was that done; how is this tax question managed?—A. Whenever a town committee saw fit to do anything of that sort, they did it, but it was entirely aside from us.

Q. Was not that looked after by the Republican State central committee to see that the taxes of such Republicans as had not qualified by paying taxes were paid?—A. No. There was a number of applications made to us.

Q. You are not answering my question. I asked you whether the State central committee, or the officers of it, did not look after the question of tax-paying to see how many Republicans who might qualify to vote had not yet paid their taxes and qualified.—A. Of course we urged the town committees in all towns to see that all persons who were qualified to vote paid their taxes and got upon the voting list.

Q. That is, what class of persons, Democrats as well as Republicans?—A. No; I suppose that the Republican town committees would look out for the Republicans alone.

Q. Then you did urge the Republican town committees to look into the question and to ascertain what Republicans, if any, who were otherwise entitled to vote, had not paid their taxes?—A. We encouraged the town committees to look after the questions pertaining to the election.

Q. And that among the others?—A. I do not think there was any mention of that by name.

Q. Were those instructions to town committees verbal or written?—A. No; my own theory is—

Q. That the town committees looked after that without being instructed?—A. Yes.

Q. That is your theory about it?

Mr. BLAIR. The witness did not say that.

The WITNESS. I did not say that.

Mr. McDONALD. What is your theory, then?

The WITNESS. That the town committees did look after that thing as one of the most important things, namely, to see that persons otherwise qualified to vote paid their poll taxes.

By Mr. McDONALD:

Q. That is always looked after by the Republican managers in some department, that those who vote the Republican ticket and who do not pay their taxes shall have them paid, is it not?—A. In some places it is and in some places it is not.

\* Q. In this city is not that pretty carefully looked after?—A. Generally it is.

Q. And if the voters do not pay them the taxes are paid for them?—A. In some cases they do that and in some they do not. I do not know what the general practice is.

Q. Did you ever know the Republican party here to let a vote go by for the want of a tax receipt?—A. Yes; a great many.

Q. When they knew that the party was delinquent and was ready to vote if his tax was paid?—A. I have known a number of occasions.

Q. They must have felt that the party was very strong on those occasions?—A. No, sir.

Q. Were they looking for the last vote in order to save their State from being disgraced by the election of Butler, as is set forth in this circular here?—A. I should not pay the poll tax of a man who was not willing to vote unless I paid it, for I do not think that such men are any improvement.

Q. Do you think that every other Republican who takes part in politics is like you on that subject?—A. By no means. I think there is an honest difference of opinion on that subject.

Q. A great many think that they may honestly buy a man's vote by paying his poll-tax?—A. Yes.

Mr. BLAIR. I understand the witness's answer to be that there is an honest difference of opinion on that subject; that some people think it is not honest and some think that it is.

Mr. McDONALD. That is true. He merely answered the question in the way that I put it. [To the witness.] You regard this supervisors law as a pretty good thing, do you not?—A. I think it had a beneficial effect last fall. It operated as well upon the State election as upon the Congressional election; they could not well be separated, the one from the other.

Q. It was a very valuable aid in beating Butler in this State, was it not?—A. I think it was a very good aid in preventing fraud.

Q. Well, in preventing his being elected?—A. I do not know that it is necessary for me to assume that fraud was—

Q. You thought that fraud was being perpetrated in his interest?—A. There were things that looked that way.

Q. That is the way that you believed it, and this Federal interference aided very materially in preventing it?—A. I think it secured a more exact correspondence between the number of voters who actually voted and the number of votes put in the box.

Q. It lessened his vote in this city and in this State?—A. I have that belief.

Q. That the use of this Federal machinery lessened the vote for one of the candidates for governor very materially?—A. Yes, by preventing fraud.

Q. I do not care by what means.—A. Not the actual vote. I do not say that it lessened that.

Q. But the vote that he would have got?—A. It did not reduce the legitimate vote.

Q. The agency of this Federal machinery reduced the vote below what he would otherwise have received?—A. Below the vote that would have been counted for him.

Q. That would have been counted for him—it is immaterial to me how you put it. You think that it was a good thing for the Federal Government thus to step in and assist the Republicans of Massachusetts to save their State from the disgrace of having Butler elected governor?—A. I think that that was a good thing. I think it was mainly a good thing for the prevention of fraud.

Q. Did it not have more effect upon the State elections, so far as results were concerned, than it had upon the Congressional election?—A. No; I do not think that it had.

Q. But, as to results, could you not have got along quite well without the aid of this machinery in your State election?—A. I think that we could have got along quite well; but I think that any law which tends to give the people confidence that fraud is not committed is of very great benefit to the State and to the country.

Q. Whether that is passed by the Federal Government or by the State? It does not make any difference to you what power exercises that authority?—A. No.

Q. So long as it is exercised by authority?—A. Yes; one helps the other.

Q. Your State has the means of securing a reasonably honest election?—A. I suppose it compares favorably with the other States, though there is too much fraud here.

Q. It might perfect its system on that subject so that it would be a little purer than any of the other States, might it not?—A. I think there might be means of improvement even in Massachusetts.

Q. Within the authority of the State itself?—A. Within the authority of the State itself. But I would not throw away any additional aid that we could get from the Federal Government.

Q. [Referring to the book produced by the witness.] I call your attention to the ballot before me containing the names of the candidates for governor and other officers at the last State election and having upon the back of it colored stripes without the stars. Who got that up?—A. That was gotten up by the wards, by the Republican committee in the city.

Q. Where was it circulated?—A. That was circulated in Boston.

Q. Was that the first time that you had a banner such as that upon

your ticket?—A. That was, I think, the first time that a ticket was ever printed in that way. It is by a new process of printing several colors at one impression, and is difficult to counterfeit. It became, therefore, a difficult thing to get out what might be called, at the head of it, a "Regular Republican ticket," with the names of the opposition candidates below.

Q. When this ticket was folded up, the back was exposed?—A. We are not allowed to put tickets into the box folded. They have to be opened or else they can be put in in sealed envelopes.

Q. It would require a pretty large envelope to inclose one of these?—A. No, envelopes are provided for any persons wishing to put in sealed ballots.

Q. But I say it would take a pretty large one to cover a ticket like the one here. It has a good deal more of bulk than an ordinary ticket?—A. Our tickets are generally of the size of that one. That is the regular size.

Q. If not inclosed in an envelope when voted, a bystander within any reasonable distance of the poll could readily see what ticket it was that the man voted, could he not?—A. Yes, sir.

Q. Was not that the purpose in the use of that kind of a ticket?—A. The purpose of it was this—

Q. First answer my question.—A. No.

Q. Now proceed.—A. The purpose was to prevent mistakes by voters in receiving and putting in the box, without looking at them, tickets headed "Regular Republican ticket," and which they supposed to be regular Republican tickets, but which afterwards turned out to be Democratic tickets or Butler tickets.

Q. Although you have a reading and writing qualification, you were afraid that somebody would vote a ticket without reading it?—A. Yes; a great many do that.

Q. Then your educational qualification does not amount to much as a safeguard for the ballot here?—A. It amounts to a great safeguard in informing people.

Q. The man who can read your constitution is a much better informed man on that account?—A. Yes; and he can inform himself as to the ticket if he can read.

Q. But you were afraid he would not do it?—A. They sometimes get up an exact imitation of the ticket with the leading or more prominent names of the officers upon it, and these followed with the names of Democratic candidates.

Q. But the Republicans never get up anything but the straight ticket?—A. Yes, sir; sometimes—

Q. If they should nominate some man in whom you did not believe, how would you get along then?—A. I should scratch his name or write another over it.

Q. As to the tickets like that to which I have called your attention, do you not know that they are used outside of, as well as in, Boston?—A. Tickets similar to that one were ordered from this Boston firm, I know, and used in other parts of the State; that is, tickets printed in those various colors by one impression.

Q. And with that striped back upon them?—A. Yes.

By Mr. BLAIR:

Q. Describe the Butler ticket at the same election.—A. I do not remember now what its appearance was.

Q. Do you remember whether it was a colored ticket, a green ticket,

with a device on the back ?—A. In my ward, as I remember them, there were Butler tickets of all sorts, shapes, and colors, and I cannot recall the exact peculiarities of them.

Q. They were of a variety of colors. How was it with the Congressional ticket? You were in Mr. Morse's district ?—A. Yes. All the candidates were on one ticket.

Q. Were any Congressional tickets, so far as you recollect, circulated in a way to deceive the voter or to lead to the perpetration of any fraud? Were tickets distributed with the names of any of the candidates printed in very faint letters at the bottom ?—A. There were.

Q. Describe those very fully, and wherein the practice of fraud existed. Was the name of one candidate printed in very large letters ?—A. There was one kind printed in this way, if I recollect it, with Mr. Brimmer's name in the body and Mr. Morse's name down below in the margin.

Q. In what type ?—A. In small type, of about the size of that which the printer uses in putting his imprint on.

Q. The other name "Brimmer" was printed in the ordinary type of the ballot, was it ?—A. It was. It resulted in those votes being thrown out.

Q. Why were they thrown out ?—A. Because they had been cast for two different candidates for the same office of representative.

Q. In what part of the ballot was Mr. Brimmer's name ?—A. In the usual place.

Q. And in the usual sized type for the candidate's name ?—A. Yes.

Q. To what extent were those ballots used, or do you know that they were used to any considerable extent ?—A. They were generally circulated; I came across them in various parts of the district.

Q. And some of them got into the boxes, did they ?—A. Yes.

Q. Wherein did this ticket differ from the Republican ticket, with the exception of the name of Mr. Morse, or was it like the Republican ticket ?—A. It was not on this paper, I think; it was not printed in these colors [referring to ticket in the book]; I suppose I have a copy of it.

Q. Was it the same as the Republican ballot, with the exception of the name of Mr. Morse at the bottom ?—A. I do not remember whether it was in other respects the same as the Republican ballot or not.

Q. Were the Congressional ballots printed in connection with the ballots for governor and State officers ?—A. All were on one ballot.

Q. [Exhibiting ballot.] Here is a ballot with the names of all the Republican candidates upon it, and Mr. Morse's name at the bottom. Wherein, with the exception of Mr. Morse's name, does that differ from an ordinary Republican ballot? It is a *fac-simile* of a Republican ballot, except as to the printing of the name of Mr. Morse at the bottom ?—A. No; I do not think it was a *fac-simile*.

Q. There was a variety of Republican ballots ?—A. Yes.

Q. It was like some that were circulated ?—A. Yes.

Q. Has it been a common thing for the political parties to distinguish their ballots from those of their opponents by some special device ?—A. The Democratic tickets generally have had a green back, and the Republican tickets one of some other color.

Q. You have a law against that now, have you not ?—A. Yes.

Q. When was that law enacted ?—A. Last year, I think.

Q. So that was a common practice by all parties up to the enactment of this law ?—A. Yes.

Q. You have spoken of the payment of these poll taxes and of an

honest difference of opinion among people, whether it is or not advisable for others than the taxpayer to pay the poll tax, or whether it would not be better to require the payment to be made by him alone. You do not mean to be understood as answering, that there was any difference of opinion as to the buying of the vote by paying the tax?—A. There seems to be.

Q. You do not find anybody contending that it is right to pay the poll taxes of Democrats in order to induce them to vote the Republican ticket, do you?—A. No.

Q. Then, I understand you, what they say is this: that if a man is unable to pay his tax and wants to vote his sentiments, it is entirely right for another who can do it to pay the tax, and give the man an opportunity to vote his honest convictions; that is what you say, is it?—A. Yes.

Q. And it is your belief that that practice was so liable to lead to fraud, that it was abandoned?—A. Yes.

Q. It is a pernicious one?—A. It is a pernicious one.

Q. You have observed that in this State, men of character and influence have been pretty generally charged with having coerced their employes by discharging or threatening them from their employment, and by the other efforts which men of capital can use to affect the suffrage, have you not?—A. Yes, sir.

Q. Have you observed anything of that kind in this State?—A. I have not.

Q. Did any instances of attempted intimidation by Republican employers, managers or business men, come to your knowledge during the campaign in this State?—A. There were none. General Butler propagated some stories of that sort, but they were all exploded immediately, so far as I know.

Q. You know of no instance wherein a wrong was done in that connection?—A. No.

By the CHAIRMAN:

Q. The circular [of September 20, 1878, contains this clause [reading from circular in book before referred to]:

Always bear in mind that the welfare of the workingmen is especially at stake, and that it is your duty to see to it that they are not by false promises and unfounded statements misled into believing that an era of prosperity will begin provided only that the office of governor is filled by him whose name is notoriously the synonym of trickery, inconsistency, and broken faith.

Was that a general circular widely sent and distributed?—A. That was sent to the chairmen of the city and town committees.

Q. It was not then widely and publicly distributed; in other words, it was a private circular to the organization?—A. It was a printed circular sent, I think, to both the chairmen and the secretaries of the Republican organization.

Q. It was not a general and public circular?—A. No.

Q. This circular of October 18, asking for the names of ten men, was followed by the circular of October 26, which is the heliotype circular. Was the latter sent to the names that were received in response to the instructions contained in the circular of the 18th?—A. We received from the Republican town committees the names of gentlemen in accordance with the first circular, and then we mailed the second circular directly to those whose names were given.

Q. You do not know whether those gentlemen were manufacturers or employers of labor?—A. I never looked over the list at all. That was simply a matter of clerical work.

Q. The circular to clergymen was sent only to clergymen?—A. It is addressed to clergymen.

Q. The names of clergymen were obtained from the committees of different towns?—A. Of different towns.

Q. And in response to your applications, you got the names of their parishioners and supplied those parishioners with documents?—A. Yes.

Q. Is it at all unlikely that the circular of the 26th of October was sent to a class, as was the clergyman's circular?—A. I do not see how it could have been sent to any class. That first circular was sent to the chairman of each ward and city committee. We received from those chairmen the names of individuals with their addresses and then we sent this other circular to those persons. I never looked over that other circular to see who those persons were.

Q. How many copies of the circular of October 26, the heliotype circular, were sent? You did say, I believe, about two hundred?—A. I think the number must have been greater than that. I could tell from our bill just about how many there were. It may have been somewhere near a thousand.

Q. How many of the circulars of the date of October 19, asking for the names of those ten men, did you send out?—A. One to the chairman of each Republican committee, about three or four hundred.

Q. Are there about that number of Republican committees in the State?—A. There are, I think, three hundred and forty towns. Of course we did not get answers to all of them.

Q. Your attention has been called by Senator Blair to the document found in Part III of the committee's record. Do you say that a circular such as that might have been issued and you not have known of it?—A. I say the probabilities are that it could not have been issued, inasmuch as it called for reports to be made to the secretary of the State committee, and no such answers come to me in any form.

Q. It might have been issued and suppressed after a very few numbers had been printed?—A. It might have been suppressed.

Q. That may have been the case, and as far as you know; it might have come from Republican sources as well as from the one which you have intimated?—A. I do not think that anybody would have sent out such a circular without my knowledge.

Q. You reached for the clergy. Why not reach for the manufacturers?—A. Well, it did not go from the State central committee. I think it was a scheme or plan of the opposition.

Q. You have stated that already and we shall see more about that before we get through, perhaps. That is your opinion?—A. Yes. I should like to know more about it myself.

Q. Mr. Butler, you say, was the first man in whose hands you saw it being used?—A. Yes.

Q. I would like you to fix the day on which the meeting at which you say it was used was held.—A. I can fix it by reference to the newspaper files. I will give the date at some later period during the day.

Q. You say that you know of no meetings of manufacturers; that you heard of none such?—A. Of none outside of Boston.

Q. Do you know of any meetings with manufacturers in Boston which were called by a member of the State central committee, and which had reference to the control of their employés by the manufacturers?—A. If you put it in that shape, I do not. There were some gentlemen who met, but I do not know what the character of the meeting was particularly. It was called generally a meeting of manufacturers. I was not present at it and had nothing to do with calling it.

Q. Where was it held?—A. I think it was held at the Parker House.

Q. Who of the State central committee attended it?—A. I think Mr. Thayer was present.

Q. Can you tell us the names of any gentlemen who ordered it to be held?—A. I was not present.

Q. Did you never see any circulars containing the names of gentlemen who were present and inviting others to be present?—A. I saw a list once, but did not give it any attention.

Q. Can you give me the names of any gentlemen who were upon that list?—A. I cannot. I have heard that Edward Atkinson was there.

Q. Was Mr. George Crompton there?—A. I do not know.

Q. Can you give the time at which that meeting was called?—A. I cannot.

Q. Do you know what the purpose of it was?—A. It was a conference in regard to the campaign.

Q. Were any of the gentlemen who were invited to meet at the Parker House members of the Republican State committee?—A. I do not know.

Q. It was known as a manufacturers' meeting, was it not?—A. Yes; it was given that name.

Q. Was there more than one such meeting?—A. I never heard of but one.

Q. Did you ever hear of any in the other portions of the State?—A. No.

Q. Was not money raised, of your knowledge, as the result of that meeting?—A. I never heard of it.

Q. There might have been meetings of manufacturers in other sections of the State and you not have heard of them?—A. O, of course.

Q. Was Mr. Thayer continually present at the headquarters, or was he traveling about the State occasionally during the campaign?—A. I did not hear of his traveling about the State. I was not at the headquarters all the time.

Q. He resided then at Worcester?—A. He resided then at Worcester, but he was at the headquarters most of the time.

Q. Is it or not a matter of general notoriety among citizens of the State (for that is what you have been giving in regard to other subjects here) that money is potential in elections in the State of Massachusetts?

Mr. PLATT, by way of objection, stated that he had studiously avoided statements upon general rumor; that testimony of the character called for by the question was of the loosest kind, of no practical value, and could have only the effect of prolonging the investigation.

The CHAIRMAN. It is of the character of that which has been given by the witness.

[The question was not pressed.]

By the CHAIRMAN:

Q. Is money used by the political organizations or by candidates for the purpose of paying poll-taxes of voters which are necessary to be paid in order to have them assessed on the registry?—A. Yes.

Q. What is the amount of that tax?—A. Two dollars. A payment of two dollars suffices for two years' voting.

Q. Do you know of the use of money collected from Federal office-holders, or others in Federal employ, and used in the elections of 1876 or 1878?—A. I do not.

Q. You think that whisky has a great deal to do with bribing voters in Boston?—A. I do.



Q. Do you think that that is the only influence in that direction that is made use of in Boston ?—A. No.

Q. What other influence is made use of ?—A. Influences that are common everywhere.

Q. You have said that whisky was one. Give any other.

Senator McDONALD. Moral suasion.

The WITNESS. There is moral suasion, as the Senator says.

Q. (By the CHAIRMAN.) By whom is that exercised ?—A. Both parties use moral suasion.

Q. I understand that. But to what classes did you appeal, in the use of moral suasion, during the campaign of 1878 ?—A. We appealed to all classes.

Q. Including clergymen ?—A. Including clergymen.

Q. What other influences were used ?—A. All sorts of arguments, I suppose. All sorts of promises.

Q. Any performance ?—A. More or less performance, I should say. Many of the promises that were made in the last campaign, I understand, have been broken.

Q. The point of my first inquiry was not with reference to what is being done here particularly, but with reference to the effect of this registry tax. Is it or not your judgment that the payment of the two dollars as a registry tax is a fruitful source of corruption or bribery in elections in Massachusetts ?—A. I think it has resulted very frequently in bribery and corruption. I think that bribery and corruption can be prevented by more carefully-prepared laws, but I would not have the Federal election laws done away with.

Q. You think, then, that it leads to corruption and bribery ?—A. I think that the bribery and corruption may be done away with; that the law has not been carefully guarded.

Q. Do you know of any meetings of gentlemen connected with the Republican campaign as managers, in 1878, with reference to the influence of the custom-house on the Federal election in the State in 1878 ?—A. No, sir.

Q. Have you heard of no meetings of that kind ?—A. No.

Q. Has there been no conference between the Republican officials and the custom-house officials with reference to the influence of the patronage of that custom-house in recent elections ?—A. Not I that know of.

By Mr. PLATT:

Q. The circular of which you have spoken as having first come to your knowledge when made use of by Mr. Butler at Faneuil Hall, starts off with the statement to the person to whom it is addressed, that "your co-operation with the Massachusetts Republican State Central Committee is most earnestly requested." It concludes with the statement that "a thorough canvass of those you employ, and an early report to the secretary of the Republican State Central Committee, will be thankfully received." I understand you to say that that was not issued by nor at the instance of the Republican State Central Committee ?—A. Yes, sir.

Q. Have you any knowledge that it was issued with the knowledge of any Republican, or printed by any Republican ?

Mr. McDONALD. Is the suspicion or belief of the witness any better than would be that of anybody else ?

Mr. PLATT. If he has the least suspicion that it was printed or issued by any Republican, I would like to have him state it. I would like to have any intimation that he has received on that subject.

Mr. McDONALD. His knowledge I do not object to; his suspicion I do object to.

Q. (By Mr. PLATT.) Then give us your knowledge.—A. I have no knowledge.

Q. Is there any circumstance within your knowledge that leads you to the belief that it was issued by any Republican printer?—A. No, sir.

By Mr. McDONALD :

Q. Do you know George Crompton ?—A. I know of or have heard of him.

Q. Do you know generally what his business is ?—A. I do not.

Q. Is he connected with any manufacturing establishment ?—A. I do not know that.

Q. Do you know Philip L. Moen ?—A. No, sir.

Q. Do you know E. W. Vaill ?—A. No.

Q. Do you know Joseph H. Walker ?—A. Yes.

Q. Is he connected with any manufacturing establishment ?—A. I do not know.

Q. Do you know Charles E. Whiting, of Whitinsville ?—A. I do not. I have heard of him.

Q. As one connected with manufacturing in that place ?—A. I suppose so. That is my impression.

Q. Do you know John D. Washburne ?—A. Yes, sir.

Q. What was his connection with the Republican party in the last campaign ?—A. He was one of the workers in the Republican party. He was chairman of the Worcester City (or county) committee, I think.

Q. What is the situation of Worcester from Boston ?—A. It is west, nearer the center of the State.

Q. He was an active Republican politician in the last canvass, was he ?—A. Yes.

By the CHAIRMAN :

Q. Do you know what the politics of the Boston Herald are ? Who did it support in the last contest for governor ?—A. It supported the Republican candidate, Governor Talbot.

Q. Did you see the article I now show you, as an editorial in that paper ?—A. (After examining a newspaper cutting, which is hereinafter given in the testimony of Eli Thayer.) I think I have seen that, but do not remember where I saw it. There are some phrases there that sound to me as if I had read them before.

Q. Is the circulation of the Boston Herald a pretty wide one—larger than that of any other newspaper in the State ?—A. It is larger than that of any other newspaper in the State, I understand.

Q. Did it support both of the Republican candidates for Congress in the city, last fall ?—A. No ; my impression is that it supported Morse.

Q. Did it support Dean ?—A. I think not.

Q. Dean was beaten, was he ?—A. Yes.

Q. (By Mr. BLAIR.) The Boston Herald supported Mr. Morse, the Democratic candidate for Congressman, last autumn, did it not ?—A. Yes ; I think so.

Q. (By the CHAIRMAN.) It supported Talbot ?—A. Yes.

Q. Talbot was elected ?—A. Yes.

Q. (By Mr. PLATT.) As I understand it, the Herald does not profess to be, and is not esteemed to be, an organ of the Republican party ?—A. No ; it was a Democratic organ and apparently could not go with the party.

ADIN THAYER sworn and examined.

By the CHAIRMAN :

Question. Where do you reside ?—Answer. In Worcester.

Q. Were you the chairman of the State central committee of Massachusetts in 1878 ?—A. I was. I am not now.

Q. Were you present at a meeting at the Parker House during the canvass in the fall of that year ?—A. Yes, sir ; at several.

Q. Were you present at one at which a number of manufacturers were convened ?—A. Yes, sir.

Q. Can you give us the names of the persons who were there ?—A. I cannot.

Q. Can you give the names of any of them ?—A. I could give a few, not very many. I think that the gentlemen who were there were Mr. E. R. Mudge ; Mr. Henry P. Kidder (of Kidder, Peabody & Co.) ; Mr. Henry L. Pierce, the mayor of the city ; Mr. Charles Harding ; Dr. Davis, of Fall River ; Mr. George Marston, the candidate for attorney-general ; and Senator George F. Hoar—he went with me, at the same time that I went there. I do not recall any other names at this time.

Q. Was Philip L. Moen there ?—A. I should think that Mr. Moen was not there.

Q. E. W. Vaill ?—A. I think not.

Q. Joseph H. Walker ?—A. He was not there.

Q. Mr. Charles E. Whiting ?—A. I think he was not, but I would not be positive.

Q. George Crompton ?—A. He was not there.

Q. John D. Washburne ?—A. He was not there.

Q. What was that meeting convened for ? Give me the purposes of it.—A. It was convened, like a hundred others during the campaign, for consultation and advice.

Q. Were these gentlemen members of the committee ?—A. No, sir ; but very few of them. I do not know in fact that one of them was, except Dr. Davis, who acted upon the committee to fill a vacancy from Fall River. I do not remember any others of those who were there who were members of the State central committee.

Q. What, then, was the purpose and the business transacted ?—A. It was a meeting, as I have said, for consultation and to stir up enthusiasm, if we could, to get everybody at work. I made a few remarks, and Senator Hoar made a short speech.

Q. What was the subject of consultation or discussion—money or votes ?—A. No, sir ; we were not in want of money at that time ; we wanted to stir the people up to the importance of the issue.

Q. Give me the date of the meeting.—A. I have no recollection of the date.

Q. In what month was it ?—A. It must have been in October ; late in the month, I think.

Q. Was any action taken at that meeting in reference to the raising of funds ?—A. None whatever.

Q. Was any action taken at that meeting in regard to arousing the employers of labor ?—A. No, sir ; not specially.

Q. What was said on that subject ?—A. I can give you what I said. I did not have any set speech, still it was substantially what I said at twenty, perhaps fifty, other meetings, and I can give substantially what I said. I do not think I can give Senator Hoar's speech, but he is in town to-day, and I presume would be very happy to give it if the committee desire to hear it.

Q. We do not want speeches, but simply the purpose of the meeting.—  
A. I took charge of the meeting as chairman of the State central committee, and said to the gentlemen present that this was an anomalous campaign; that it was not in any just sense a political campaign; that men of both parties were interested in opposing Butler; that it could hardly be called a political campaign; that one of the most dangerous and unscrupulous demagogues of modern times, backed by Dennis Kearney and the communists, was trying to seize hold of and capture Massachusetts; and that all classes of the community, both Democrats and Republicans, everybody who had an interest in the good name of Massachusetts, ought to be content and willing to do something in the campaign. I said to them that I was giving my whole time without compensation, and that I felt that they ought to devote some time to it, and money, if necessary; that all of them had sources of influence; that every man had his own way of making his influence felt in the community; and that I thought we had a right to call upon them to do their utmost, give their time and, if necessary, their means toward defeating this dangerous combination of demagogues and communists.

Q. You have not yet reached the point. Did you ask them to influence or control the men in their employ?—A. No, sir.

Q. Was any proposition of that kind mooted at that meeting?—A. None whatever; not the slightest allusion to it.

Q. Who were these gentlemen; were they employers of labor?—A. Some of them were; but not one-half of them. They were men whose names occurred to me in connection with the names of men of standing, as I was writing to such men, to meet at headquarters, as it was my business to stir up the people of Massachusetts.

Q. In what business was Mr. Mudge engaged?—A. Mr. Mudge is a proprietor of mills, I think.

Q. Where?—A. At Lawrence.

Q. How many men does he employ?—A. I have not the remotest idea.

Q. In what business is Mr. Kidder employed?—A. He is a banker.

Q. Is he interested in any large manufacturing establishment?—A. I think he has no such interest whatever.

Q. What as to Mr. Pierce?—A. He was mayor of the city. He was formerly a member of Congress.

Q. What is his business?—A. He makes chocolate.

Q. Is he an employer of men?—A. Other gentlemen here know better than I. I think he has very few men.

Q. Charles L. Harding?—A. He is interested in mills somewhere. He has some interest in the Lawrence Mills. I invited him because I had known him from boyhood.

Q. Do you know whether he is connected with mills at Dedham?—A. I do not. He has an office in Boston here somewhere.

Q. Is Dr. Davis a physician by profession?—A. He is a leading physician of Fall River.

Q. Is he, to your knowledge, connected with or a stockholder in any of the mills there?—A. I do not know.

Q. Were any contracts or specific propositions made in reference to the future conduct of the campaign?—A. None whatever.

Q. It was quite late in the campaign. There was some purpose in getting these gentlemen together. What was to be done?—A. It was to rouse the enthusiasm.

Q. About how much of capital was represented at that meeting?—  
A. I could not tell you. I could not come within a million of dollars.

Q. Were there ten millions?—A. I have not the remotest idea.

Q. Can you not give us an idea by an estimate of the amount represented by each? What was Mr. Pierce worth?—A. I am without the remotest idea.

Q. How were you, so late in the campaign, to rouse the enthusiasm by getting these gentlemen together?—A. We were constantly getting gentlemen together. I had some two thousand—I say two thousand, there was a very great number—who were constantly coming to see me at headquarters.

Q. You raised the enthusiasm by pitching into Butler. Was that the way?—A. We did the best we knew how in that line.

Q. When you closed your meeting, in what way were these gentlemen to work to bring about the results that you aimed at in your speech?—A. There are scores of ways in which a man may work in a campaign. He may make himself a missionary, and go from town to town, if he chooses to do so.

Q. What was suggested there as the way?—A. Nothing whatever; only to do what he could.

Q. According to his own understanding?—A. As his own understanding would suggest to him the way in which he could be effective.

Q. There was no definite understanding, then, that each man was to exercise a control over his employés?—A. None whatever.

Q. There was nothing that forbid that in that meeting?—A. No, sir; I think not.

Q. Was anything said by the gentlemen there about the means to be used against Butler; anything about the workingmen's vote of the State?—A. No, sir.

Q. Nothing of that kind?—A. We did not charge that that vote was being controlled, except as against us by him and Kearney or their followers in mobbing our meetings. But the campaign was an anomalous one. Mr. Kearney was here speaking every night, telling them, as he did on Boston Commons, to let the blood out of the rich and lecherous bondholders. We did not have a Republican meeting in the State or towns that was not disturbed.

Q. We do not care anything about Dennis Kearney or his sayings, but we want to know what this meeting was for.—A. The meeting was to rouse the enthusiasm. I am trying to tell you as best I can.

Q. (Referring to the so-called circular to manufacturers, asking their co-operation, a thorough canvass of those they employ, &c.) Do you know anything of the circular now shown you, which seems to have had some considerable circulation in Massachusetts?—A. Yes, sir; I heard of it last fall.

Q. Did you ever see it before you heard of it?—A. No, sir.

Q. You did not write it nor direct it to be written, nor direct it to be printed?—A. No, sir.

Q. Nor authorize any one to go to the city of New York for the purpose of having it printed to be circulated in Massachusetts?—A. No, sir. It is what everybody could see at a glance, a stupid fabrication—I do not know why the committee should ask a question about it—obviously a stupid fabrication.

Q. The clergyman's circular is not denied; why this one should be denied we cannot understand.—A. The clergymen's circular was simply to send us names so that we could send documents to those names. That was all that was asked; we asked no co-operation, we only asked for names.

Q. When did you first hear of this circular?—A. I heard of it on the day after Butler alluded to it in one of his meetings.

Q. Where was that meeting held?—A. I do not know; but it was in some hall in Boston, I think. We promptly contradicted it. I contradicted it over my signature the next day.

Q. Do you know of any meetings at which the custom-house officials or Federal officials in the State were convened for the purpose of using the Federal patronage to control the election?—A. There never was any such meeting.

Q. Was there any meeting in which the Federal patronage was controlled by means of a subscription of money from any such source?—A. I presume there was no distinctive subscription by Federal officials. I presume that they gave money, some of them.

Q. Do you know the amount?—A. I do not know the amount that the State central committee used.

Q. Can you give us the amount that your committee raised to defray the expenses of the campaign?—A. Yes, sir. It was published last fall. We published it ourselves. Mr. Crocker will give you the amount. It was something like \$25,000.

Q. You cannot tell how much of that was received from the Federal officials?—A. No, but the amount was very small indeed. It must have been less than a thousand dollars.

Q. Did you receive anything from the campaign committee at Washington?—A. No, sir.

Q. Nothing went into your campaign fund that you know of from that source?—A. Not that I know of. We could raise all the money that we needed. We had no difficulty about that.

Q. Did you raise any from New York?—A. No, sir.

Q. Did you send anybody there for the purpose of raising money?—A. No, sir.

Q. Did you try to?—A. No, sir.

Q. You had no meeting of bank presidents there on that subject?—A. No, sir.

Q. No one was authorized to go there and convene a meeting for that purpose?—A. No, sir; it was never dreamed of, because, as I tell you, we had money enough.

Q. Do you know of any setting apart of the custom-house patronage for use in the election?—A. No, sir. I do not believe there was any use made of the custom-house patronage.

Q. You know of no use of the patronage of the custom-house with reference to the election?—A. None whatever.

Q. Do you know of any of the Federal officials being detailed for use in the election?—A. No, sir.

Q. Were any of the employés of the custom-house here or any of the other Federal officers permitted to go into the campaign to make speeches and influence votes?—A. No, sir; that was one point that I made at this meeting at the Parker House. I stated to those gentlemen that under the civil service rules we could not even have the aid of the postmasters, and therefore it was all the more necessary that we should have their help.

Q. You know of no instances of the control of employés by employers in your own county?—A. No, sir; nor anywhere else.

Q. Did you have any meeting of manufacturers or others at Worcester?—A. Yes, sir.

Q. A private meeting?—A. Numerous meetings.

Q. A private meeting at which leading and influential gentlemen were

present?—A. We had several meetings of individuals during the campaign, and they were, in a sense, private meetings. They were private, as that one at the Parker House was; still we did not sit with closed doors. They were meetings for consultation.

Q. Was there a meeting of that character at Worcester at which you invited a number of private gentlemen to be present?—A. No, sir; not at which I invited any. I attended one at Colonel Washburne's office, at which he had invited them to be present.

Q. Who were at that meeting?—A. I can give you the names as far as I remember them, though Colonel Washburne is here and perhaps could give them better. Mr. Joseph H. Walker was there, Mr. George Crompton was there a small part of the time.

Q. Was Mr. Moen there?—A. I have the impression that Mr. Moen was not there.

Q. Was Mr. Vaill there?—A. I think that Mr. Vaill was present. I may be wrong about Mr. Moen, but my impression is that he was not there.

Q. What others who were present do you remember?—A. Mr. Harrington.

Q. Any others?—A. There were some fifteen or twenty there in all.

Q. Were any of the Whitings there?—A. No, sir; I should think not. I do not remember any other names. If you will suggest any names I may perhaps remember others.

Q. What was that meeting for?—A. Substantially the same that we had all our meetings for. There was a wonderful sameness at all our meetings. I made the same remarks there that I made at the Parker House.

Q. What was about the date of that meeting?—A. It was about the same time, I should think; late in October.

Q. Were any of the gentlemen who were present there employers of labor?—A. Yes, sir; quite a number of them.

Q. They were not all employers of labor?—A. I should think they were. Some of them did not employ but a few.

Q. Were there gentlemen there who employed quite a number of laborers?—A. Mr. J. H. Walker employs a number, though his establishment is not so large; and Mr. Crompton.

Q. What is the character of their manufactures?—A. Mr. Walker's, boots and shoes; and Mr. Crompton's, machinery.

Q. Was there no attempt to raise money there?—A. No, sir.

Q. Only enthusiasm?—A. That was all.

Q. No special effort there to get anybody to vote against Butler?—A. No, sir; only to get everybody to do the best they could to make votes against him.

Q. Do you know of any statement made after the election in regard to a man being compelled by his employer to vote against Mr. Butler?—A. No, sir; only what I heard in Worcester.

Q. Was Mr. Vaill not charged with anything of that kind?—A. He was charged at the time of the State convention with turning off a man because he was a Butler man. Mr. Vaill published a card in which he said that the man was turned off because he had drank up all his (Vaill's) alcohol. That was considered in Worcester as satisfactory.

Q. (By Mr. McDONALD.) When do you say that was?—A. It was just after the time of the State convention.

Q. (By Mr. BLAIR.) Was it straight alcohol?—A. Straight alcohol. The man afterwards went for Butler.

By Mr. McDONALD :

Q. State how it was that these gentlemen were called together to meet at the Parker House.—A. By a note from me. My private secretary wrote them a note, and signed my name to it.

Q. How many persons did you request to meet you there on the occasions when these parties were present ?—A. I really could not tell you, I kept no list, but I should think from twenty-five to thirty.

Q. You did not get quite through with stating what you had said to them as the cause of your calling them there ; what you call your "speech." I wish you would finish that up.—A. I had substantially got through. I said a good deal more than I have stated here, but I have stated it substantially.

Q. You told them why you had called them there ?—A. Yes ; I told them that the campaign was anomalous ; that Butler was the most unscrupulous and dangerous demagogue of modern times ; that he was arousing the people with the aid of Dennis Kearney.

Q. What did you give as the reason why you had called together these particular gentlemen ?—A. I told them I felt that we had a right to call upon citizens of all parties to aid to their utmost ; to spend their time and give their money, if need be.

Q. To use their influence ?—A. To use their influence.

Q. What did you say about their influence ?—A. I said that everybody could help in a campaign of this kind.

Q. That every man had his influence, and knew better how he could use it than anybody else ?—A. Yes.

Q. And you called on them to use whatever influence they had ?—A. That was substantially it.

Q. Was Mr. Mudge a Republican ?—A. Yes.

Q. You had no fears, when you called him there, that he would not go and vote himself ?—A. Not a bit ; not as to any of those gentlemen.

Q. You had no fears that they would not vote themselves, and that they would not vote against Butler ?—A. Not a particle.

Q. Why were you calling them there ?—A. Because I wanted to talk with them, to see if I could not arouse them to work in the campaign, the same as we held public meetings. I am not a public speaker. Officially, I wanted to reach every man that I could reach in some way.

Q. So that there was no danger of your not reaching him, whether he was called there or not ?—A. I wanted to reach them.

Q. They were not exerting their influence enough ?—A. I thought they wanted a little persuasion.

Q. You thought that they might use arguments and persuasion a little stronger than any they were using ?—A. I hoped they might.

Q. Was there any particular field of labor that you thought they were particularly adapted to ?—A. I did not indicate what I thought.

Q. But what did you think on that subject ?—A. I do not see how it can be material, but I would be happy to answer any question, if you judge it to be so.

Q. My question is whether there was any particular field of labor in which you thought any one of those men could exercise a special influence ?—A. It would take some time for me to give my whole philosophy of the campaign.

Q. We are here to learn, Mr. Thayer.—A. As chairman of the Republican State committee, I relied largely upon individual effort. We



tried to inform the people. Our appeal was, as we thought, to the consciences and intelligence of the people. We tried to reach everybody, in the first place, by public speeches; to arrange that every town should have public speeches.

Q. Were any one of those twenty-five men who were invited by you into this special conference public speakers?—A. A few of them were. Mr. Marston is a fine speaker.

Q. He was the candidate for attorney general?—A. Yes, sir.

Q. He was invited in as an assistant to you, to indoctrinate these men?—A. No, sir; he was invited as the rest were.

Q. He was a candidate himself and consequently directly interested in the canvass?—A. Yes, sir.

Q. Senator Hoar, was he taken there to give convincing advice?—A. Yes, he was taken there with the rest of them, or asked to go there.

Q. To give these gentlemen convincing advice, then, Mr. Marston went with you; not as one to whom you had sent an invitation, but as an assistant?—A. I say he was present there. He had been invited. He made an excellent speech. I wish that the committee could hear it to-day.

Q. As Mr. Marston and Mr. Hoar were the only speakers there were of these twenty-five gentlemen who were invited in, what did you expect the others to do?—A. I began to tell you of my philosophy.

Q. When you told them that every man had his influence and it was their duty in this emergency, when the country was about to be overrun by Dennis Kearney and ruined by Butler, and the State of Massachusetts forever disgraced—A. That is what we thought.

Q. I cannot state it as eloquently as you do. Now, what did you expect these other men to do?—A. I had begun to answer when you asked me what my theory of the campaign was. I said it was to reach every man by public speeches.

Q. These men were all right beforehand?—A. In the second place, I intended to have documents distributed to every citizen of Massachusetts. I intended to reach every one. Then I intended that every person should be reached, if we could reach him, by personal solicitation. We had a man in each senatorial district—

Q. If you please—A. I am giving—

Q. No, you are getting entirely outside of my inquiry.—A. There is a difference of opinion about that.

Q. I am satisfied that you are.—A. With all due respect, I state that I am not.

Q. I am trying to get at what you were trying to do with these twenty-five gentlemen who were known not to be public speakers, known to be thorough-going Republicans, and whose votes you were certain of on the day of the election.

Mr. PLATT. The witness had got as far as to state that the purpose was to reach every man by personal solicitation. Was he not coming to the point?

Mr. McDONALD. I do not know.

The WITNESS. With that view, in addition to the public speeches, I sent out documents all over the State and—

By Mr. McDONALD :

Q. Stop right there. I am confining this inquiry to this one meeting and have asked for your understanding of its purpose. When we get an understanding as to that, if it is necessary to branch out into this

general matter, we will do it. I have asked you how it was that these men came to meet?—A. Because I sent for them by letter.

Q. I asked you what were their politics, what they were there for, and I ask the question again: What particular influence did you expect these twenty-five men, who were not public speakers, to exercise on the election?—A. I am just coming to that point. I sent for these men, and I sent for the other men.

Q. I do not care about the other men.—A. I sent for the other men—

Q. Leave out the other men, if you please.—A. I sent for them and for the other men with a view of arousing them to do what they could in the campaign. I did not know what the other men could do—what Mr. Mudge, for instance, or Dr. Davis, of Fall River, could do. It was enough for me that they were influential citizens and that they had influence locally in the community in which they lived that they could exercise. It was not anything of any account, perhaps. Everybody knows what it is, that such men have means of influence that they can exercise.

Q. Now we are getting down to the question. You expected Dr. Davis, when he was engaged in his professional practice and attending upon his patients, to impress upon them the necessity of voting against Butler?—A. I submit that that is not a proper question.

Q. It is a proper question. Did you not expect him to use his proper influence in his sphere?—A. I shall be very happy to answer any questions, but any attempts at wit and drollery I shall not.

Q. I have the least wit of any man you ever knew; certainly not as much as a Massachusetts chairman.—A. I did expect Dr. Davis to do what he could in Fall River.

Q. Then you come right around to my question, whether in the course of his professional duties and in his intercourse with his patients he should urge upon them the necessity of voting the Republican ticket in this anomalous election that you speak of?—A. Precisely.

Q. As to this Mr. Mudge, was he a manufacturer?—A. Yes, sir.

Q. Did you not expect him in his daily walk and within the sphere of his influence to use the same kind of persuasion and influence, whatever that personal influence might be, in the same direction?—A. In any direction that he thought might be made effective.

Q. You did not want him to go for Butler?—A. I did not suppose that he would.

Q. Then you wanted him to use his influence, to whatever extent he might have that influence, in this line; and so of each one of these men who were called together by you. Did you not call them for the purpose of having each one, so far as it was possible for him to do it, to use his personal influence over others?—A. His legitimate influence.

Q. Did you undertake to fix limits?—A. No, sir.

Q. You left them to be the judges as to whether the influence they would exercise was legitimate or not?—A. They were men of such character that they did not need any intimation.

Q. After you had portrayed to them in the glowing terms you have repeated here the exigency that was upon them and the very great necessity of their using any influence they might have, then you left it to each one of these men to work out the kind of influence that would be most efficient?—A. Oh, certainly. Their character was a sufficient guarantee that they would not abuse any influence they had.

Q. How many meetings did you have in the last campaign in which you impressed upon those in attendance the necessity for that kind of

individual influence and effort?—A. I could not give you the number of meetings.

Q. You had one at Worcester?—A. That was the one that Colonel Washburne had.

Q. You and he doubled on that?—A. It was an every-day occurrence that somebody was invited to meet me.

Q. Those somebodys that you invited to meet you were persons who you supposed exercised influence beyond their own votes, or might exercise some influence?—A. Unquestionably everybody can.

Q. You did not invite to meet you any who were doubtful men?—A. No; they were men who would work in the districts.

Q. You did not seek out men who were on the doubtful list, and try to impress them by this peculiar eloquence of yours with the necessity of being on the right side when they voted?—A. Yes, sir.

Q. These were men who were known to you personally?—A. Yes, sir.

Q. What you said was all comprised in this, that they must work and use their influence?—A. It was all comprised in this, that I wanted them to go to work the same as I had.

Q. You are not now chairman of the State central committee?—A. No, sir.

Q. What position do you now hold?—A. I have no position now politically.

Q. You are entirely out of office now?—A. I am entirely out of politics.

Q. You are not out of office?—A. I am judge of the probate court in Worcester County.

Q. Since when have you been such?—A. Since last fall.

Q. At what date?—A. It was some time about the fore part of November.

Q. Soon after the election you resigned one office and took another?—A. I had no office, but was simply chairman of the State central committee.

Q. That was an office of its kind?—A. I had resigned long before that.

Q. Before the election?—A. That is, I had declined to be a candidate.

Q. But you resigned your place, you say?—A. I did not. I never resigned my place.

Q. Then you are still the chairman?—A. They elected a new committee.

Q. How is the judge of probate elected in this State?—A. He is appointed by the governor.

Q. By the gentleman who was elected in this anomalous election last fall?—A. He did not appoint me; it was the former governor.

Q. In regard to the Federal officers, did you have any communication during the canvass with Mr. Gorham, the secretary of the Republican executive committee at Washington?—A. None whatever. Mr. Crocker might have answered letters from him.

Q. Did you have any communication with the chairman of that committee, Mr. Hale, of Maine?—A. No, sir; I only invited him to speak here, and he could not come.

Q. You knew him to be chairman of the Republican executive committee?—A. Yes, sir. I invited him personally to come here to speak during the campaign.

Q. Mr. Gorham, the secretary of the Republican executive committee

at Washington, has testified before this committee that that committee raised by assessments—allow me to correct myself, not by assessments but by voluntary contributions, these being headed, however, in most instances, by the secretaries of the different departments at Washington—some fifty-three thousand nine hundred dollars for the canvass; and that these contributions were from the office-holders of the United States in the different States, except in certain States where the contributions were understood to have gone into the party fund of the State. Was there or not an arrangement by which the payments made under assessment by the Federal officers in this State, together with the moneys voluntarily contributed by the patriotic citizens of this State last year, were to be paid into the political funds of this State?—A. No, sir; I have no knowledge of anything of that sort.

Q. Did you derive no revenues from that source?—A. None that I know of. The treasurer, Mr. Stebbins, may know something on the subject. I have no idea that any funds were received in any such way.

By the CHAIRMAN:

Q. Prior to the time at which these meetings were held you had a public thorough canvass going on all over the State?—A. It was going on all the way through.

Q. Speeches were being made and a warm canvass was in progress?—A. Yes, sir.

Q. You wanted to add to that canvass this result?—A. Yes, to make it sure.

Q. You were perfectly satisfied that it was going right then?—A. I was satisfied that we would win the day, but I wanted to increase the majority.

Q. Did any of the gentlemen who were in any of these meetings subsequently go to any of the employers of labor in any of the counties and ask them to have their employes vote against General Butler and control them in that way, that you know of?—A. Not that I know of.

Q. Did you hear anything of that in Worcester County?

Mr. BLAIR objected.

The WITNESS. The only rumor I ever heard was the rumor about Whitinsville, which was denied. The idea that any party in Massachusetts could attempt to intimidate operatives and live twenty-four hours is so utterly absurd that—[A pause.] It could not exist twenty-four hours, the party that attempted it.

Q. Was Mr. Mudge a politician, known as such?—A. He was very active last fall.

Q. Before this meeting?—A. Yes, sir; he was exceedingly active.

Q. These other gentlemen were also exceedingly active?—A. Not all of them.

Q. Who of those who were at that meeting were active politicians?—A. Dr. Davis and Mr. Marston were active politicians. Mr. Pierce was not active last fall; he was mayor.

Q. Was Mr. Richard Fay at that meeting?—A. I do not remember that he was.

Q. Do you know whether he was invited there?—A. Yes; I think I invited him.

Q. You do not know that he was there?—A. I think that he was; that is my impression.

Q. Is Fay a prominent, active republican?—A. I think he is a republican, but not active.

Q. Does he control labor?—A. Yes, sir; I think he is a stockholder in General Butler's mill; one of the leading stockholders in the Middlesex Mill. I may be mistaken, but that is my impression.

Q. Did you see Mr. Fay subsequently?—A. I think I did. I think he was in the headquarters one day.

Q. Did you have any conversation with him on the subject of this meeting?—A. I think I did.

Q. What was that conversation?—A. I could not give it to you in detail. I think he asked me what the meeting was for, and I told him substantially what I said—gave him my speech in brief; it was a set phrase with me.

Q. What did you want Mr. Fay to do when you spoke to him in the meeting?—A. The same as all the rest.

Q. To use his influence?—A. Yes, his legitimate influence.

Q. Did you write him a letter inviting him to come there?—A. Yes, the same as all the others.

Q. Did he say he would go on and do what the rest did?—A. I did not ask him to do that; I just stated what the meeting was for.

Q. What did you say the meeting was for?—A. I repeated my speech; and he said he was connected with General Butler some way in the mill, that his connection was very intimate, and that he did not care to take an active part in the campaign.

Q. He said he was connected with General Butler?—A. I do not know that I ought to say that he said he was connected with Butler. He said he was intimate with him.

Q. He declined to do what?—A. He declined to meet. He said he would not be present. I knew what his relations were and I thought it was perhaps very proper that he should not be present; I knew what they were before I wrote to him. That it was very proper that Mr. Fay should not enter into the campaign I can see. He said he should not support him.

Q. Because he was interested in the mill you thought he ought not to act?—A. It would not have been pleasant for him personally.

By Mr. BLAIR:

Q. Is there any further statement that you desire to make at this time?—A. I feel that I ought to state, inasmuch as it has been stated here that we had money enough, that our money was raised by voluntary contributions throughout the commonwealth; that we had no other source; that that source was ample for our wants; and I feel that I ought to say, from my official connection with the party last fall and my connection with the party for a great many years, (though I am entirely out of politics now), that the campaign last fall, as far as the State central committee was concerned, and as far as the local committees were concerned, was entirely open and above-board, honest and clean in every respect; that our appeal was entirely to the intelligence of the people of Massachusetts and that such has always been our appeal in the State of Massachusetts. I say that there was not an act of the State central committee that men or angels can condemn throughout the whole campaign. And as a private citizen, I feel indignant that any committee should be summoned here to investigate what everybody who has common sense knows are utterly baseless charges against the Republican organization.

The CHAIRMAN. The expression of your indignation will be recorded, and will be referred to in the report of the committee.

**JOHN D. WASHBURNE** sworn and examined.

By the **CHAIRMAN** :

Question. Where do you reside?—Answer. In Worcester.

Q. Were you connected with the Republican State committee last year?—A. I was not; I was chairman of the Republican city committee of the city of Worcester.

Q. Were you present at the meeting at your office to which Mr. Adin Thayer has referred?—A. Yes, sir.

Q. What was the date of it?—A. I do not remember exactly, but from the opportunity which Mr. Thayer's testimony gave me to refresh my recollection, it was, I think, about the third week in October. It was but one of many meetings that we held.

Q. Who convened the gentlemen at that meeting?—A. I called them there.

Q. Do you know who were there?—A. There were present the gentlemen who were mentioned by Mr. Thayer this morning as having been present, and of the others who were present I can mention a few.

Q. Name all that you can.—A. I will with pleasure. There were present Mr. Joseph H. Walker, Mr. George Crompton, Mr. George S. Barton, Mr. John J. Putnam, and Mr. E. W. Vaill. As to Mr. Moen, Mr. Thayer did not remember his being there, but I think he was there. If he was not there it was not my fault, as I wanted him there; I think he was there.

Q. You are not a partner of his in the firm of Moen & Washburne?—A. No; I have no connection with him. There were several others present whose names I do not remember. I know that the Whitings were not there.

Q. What was the purpose of convening the gentlemen together?—A. It would not be proper for me to borrow Mr. Thayer's phraseology, but that substantially indicated the purpose. The purpose was, in connection with such other efforts as I was making there, having charge of the local campaign as I had, to develop what I might call the sources of influence or of other influences. It may not be responsive to your question, but I will say that I had charge of all meetings, and that people of all classes met at my office—the poor people, the laboring people, and every kind of people who I thought would exercise an influence on our campaign; but this particular meeting to which you refer was not that kind of a meeting. Mr. Thayer and I must have had some conversation in reference to the meeting which he had in Boston (which he has described), and he possibly suggested to me or I to him, I cannot tell which it was, that that kind of a meeting in Worcester would be a good thing. I happened to learn that Mr. Thayer would be in Worcester on the morning of this day on which the meeting was held, and either he or I had suggested that these gentlemen might come in in the afternoon of that day. I remember that, without any particular direction, I got into a carriage, drove about, went to different places, and asked twenty or thirty gentlemen of influence one way or another to come into my office at three o'clock that afternoon. My office-rooms are perhaps as large as the room in which the committee now sits and the one adjoining, and were connected in a way similar to that in which these rooms are connected. These gentlemen came in at three o'clock, sat in a circle, or in a way somewhat similar to that in which your committee is now sitting (though they were in larger numbers), around a table of mine; the business of my office going on in another room where people came

and went while the meeting lasted, which was, I think, for half an hour.

Q. Give the politics of the gentlemen who were convened there.—A. I think they were all Republicans. I do not think that the position of any gentleman there was doubtful.

Q. Were they employers of labor?—A. I think not exclusively, but that the larger proportion of them. It would be fair for me to say that a large proportion of our people are employers of labor.

Q. Those gentlemen had not been active in the canvass up to that point?—A. No; I do not think that they were up to that point; not quite. I was devoting my attention and time to it, and as they shared our conviction, I wanted them to share our willingness and enthusiasm also.

Q. You had no doubt of their voting right, of their voting the Republican ticket?—A. No; I had no doubt about their voting right.

Q. They were not speakers?—A. I should not dare to say they were not speakers. Mr. Walker is a very incisive and effective speaker, as were probably one or two of the others; I think of Walker particularly. But I get the purport of your question. It was a meeting of people who were to exercise their influence as they might.

Q. Was it not the reflex of your purpose to have these gentlemen exercise their influence upon their employés?—A. I should not say it in that way. It was for them to exercise their influence—excuse me for saying it again—exactly as they might have influence upon people who were or were not employed by them. I had charge of the canvass there, and knew that the management of it in the city would react upon the county; that if the city was carried strongly the county was sure to go the same way. It was my favorite theory, one which I endeavored to impress upon everybody, that while some good might be done with drums and trumpets, the great secret of success was personal influence. I even told the boys who were distributing the handbills that if they knew anybody they could influence, to talk with them. These gentlemen were among those whose influence I thought might be secured.

Q. You thought it would be a wise thing to get the influence of the employer upon the employed?—A. I did not say so, Mr. Chairman, but it grows substantially, I think, out of it. If you like, I will tell you what was said at the meeting as near as I can remember it. I said a few words in exactly the same way that I would speak to what we call "the boys." They were to this effect: "You, gentlemen, know what the springs of our influence are; I want you to take an interest in this campaign." I said very little. I have sometimes made what might be called a political speech, but on that occasion I said very little, hardly more than that. Mr. Thayer made some remarks of the character he has stated to you, and I think one or two other gentlemen said a few words, and the meeting adjourned or dissolved (I should think that they had been there half an hour) without any form of action whatsoever.

Q. Was it assented to that that form of influence was to be exercised so far as they could use it?—A. I do not think there was any dissent.

Q. Was there any dissent to the exercise of such influence as you desired that they should exercise?—A. Such influence as they might exercise. No, I think there was no dissent.

Q. Was the result of the meeting satisfactory to you?—A. It was. After the meeting I said I thought we had done some good work and had made some gentlemen actively interested.

Q. Did they exercise their influence upon others?—A. The result was

that we carried the city of Worcester very handsomely, and I should not be willing to withhold from those gentlemen their tribute. I think that they did, though I do not know that they did.

Q. Did you at any subsequent stage of the canvass attempt to exercise influence upon employers yourself?—A. Oh, I was always exercising influence upon employers.

Q. Did you go to any establishment and address the employers or the operatives?—A. Oh, lots of them. I did that all the time, and so did everybody else. There was hardly anybody of my acquaintance in the city of Worcester who was not seen by me. We should not have carried the city if I had not done that. I do not wish to disparage the efforts of gentlemen on the other side, but I think that the result was, in some measure, due to my personal influence with all classes of people.

Q. You were in charge of the campaign?—A. I was.

Q. Did you go to the employers and ask them to exercise their influence upon the employed?—A. No, sir; not upon the employed as such. I asked them to exercise all the influence they could.

Q. Did you go to them to have them call their help together and talk to them in order to have them vote with them?—A. I think I did. I think I suggested it was a very good consideration for them to call their help together and address them on the issues.

Q. To urge them to vote against Butler?—A. I did not care—

Q. They were urged to use their influence for the success of the ticket?—A. Yes, sir; for the success of our ticket. I am not a very sharp politician; I do not think I said much about Butler, any way, but about the success of our ticket.

Q. Whose establishments were these to which you went to ask for their help?—A. I do not think it would be fair to imply that I did not ask more than one; I think I asked all of them.

Q. At what points in that county did you do this?—A. In the city of Worcester only.

Q. Did you not see employers outside of the city of Worcester and urge them to call their help together?—A. I should say not. I know a great many people in this State, but that was not what I was at—it was not my business.

Q. I wish only to call your attention to specific efforts on your part to urge employers to call their help together. You did that in the city of Worcester?—A. Oh, I did it all the time in the city of Worcester.

Q. Did any of the gentlemen upon whom you called do that?—A. I do not know that they did. I know that I called on Mr. Moen. Mr. Moen is an employer of a large number of men; not of so large a proportion of voters as other employers, but he is an extremely prominent and leading man. He is a leader in a church and has all sorts of influence. I had a talk with him and thought it was a good idea for him to call his men together. So far as any threats were concerned, I need hardly disclaim them in advance of the question at all.

Q. We have not asked you as to the threats.—A. But as far as Mr. Moen is concerned, my impression is that he did not think it would be worth much to do so. My judgment is at this moment that he did not do anything about it, and I do not know that any one else did. I left it substantially with those gentlemen.

Q. Did Mr. Vaill call his men together?—A. I did not see Mr. Vaill after that meeting, but I have learned from a newspaper that he did call his men together.

Q. Did Mr. Loring call his men together?—A. I have no knowledge on the subject.



Q. Did not Mr. Loring refuse to you to have anything to do with the scheme?—A. No; I thought he was extremely civil; I remember calling there. He treated me with much courtesy, and, as I did not hear any more about it, I thought that was the end of it. There was a squib in the newspaper about it. I do not remember what it was, but it was good-natured enough, and I did not find any fault with it. I do not know that he did anything about it; but that he was a friend of our ticket I knew.

Q. What is your knowledge as to what was the proportion of voters in these manufacturing establishments in your city to the whole number of employes?—A. I cannot give you an opinion upon that in such a way as I would like to give it. I think that the voters in Mr. Moen's establishment, which is one of the largest in our city, amount to something like thirty per cent. of the entire number of persons employed.

Q. What were their political proclivities at the last fall election?—A. I cannot answer that.

Q. Was there any material difference between the vote of the city of Worcester at the election of November, 1877, and that at the election of 1878?—A. We carried the city of Worcester in 1877 with about the same majority that we had in 1878. I was chairman of the city committee then, also.

Q. Was the vote as large in 1877?—A. I do not remember. The difference was not enough to impress itself upon my mind. I know that at our meeting at Mechanics' Hall, on the night before the election, I predicted that the city would be carried by 500 majority, and the vote polled at both elections, I think, did not vary much from that.

Q. What is your profession?—A. I am a lawyer. I do not practice much.

By Mr. McDONALD :

Q. All of these gentlemen who were invited by you to your office to meet Mr. Thayer were Republicans?—A. I think they were. I did not mean to have anybody present but Republicans.

Q. Were any of them employes in any of the manufacturing establishments there?—A. I think not.

Q. You did not invite any of the employes?—A. I think not.

Q. So far as any persons present at that meeting were connected with the manufacturing establishments, they were employers or persons having to some extent control of the establishments?—A. Yes; I do not think that I asked any laboring people to come to that meeting. However, there may have been some superintendents there. I think, so far as your question is concerned, I asked the superintendent of the Washburne & Moen Manufacturing Company to attend; but generally speaking, it was the employers who were to be there.

Q. Was it not therefore an employers' meeting exclusively?—A. I should think so. I do not think we do it any injustice by calling it such, though there were men there who did not employ any laborers.

Q. It was made up generally of those who were employing laborers or superintending laborers?—A. Yes, sir.

Q. You say that Mr. Walker was a pretty good stump speaker. Had he been in the habit of making speeches in political canvasses before that time?—A. I do not remember whether he had been or not, but I think that he had. Mr. Walker is a man of great method and earnestness. He worked up an elaborate argument and published it; that was somewhat earlier; and he began afterwards to make a few speeches.

Q. Did he make those speeches in Worcester?—A. I got up a meet-

ing for him in Worcester. It was almost the last meeting of the campaign. I do not remember where he had spoken, but I suppose it was in the towns about Worcester or at points a little more remote. Mr. Walker is not known as a popular speaker, but he was a man who had worked up a speech for this campaign, and it was one that I thought a very good one.

Q. In what business is he engaged?—A. He is a proprietor of a very successful boot factory—a man of great ability in his business.

Q. Does he employ many hands?—A. I understand that they do not employ as many hands in their business as other establishments in the same business, because they have machinery. I suppose it may be said that he did not employ many hands in the sense that Mr. Moen employs hands. I suppose that Mr. Walker employs men by the score where Mr. Moen employs them by the hundred.

Q. Of what firm is Mr. Moen?—A. He is of the Washburne & Moen Manufacturing Company. They make ware and have about the largest works of the kind in the country.

Q. Do they employ a large number of men?—A. They do.

Q. About what number had they last year at the time of the election?—A. If I was held to the rules of evidence I would answer that I did not know. I have a very clear impression that they employed 2,500 men, of whom eight or nine hundred were voters. I hope you will not hold me very strictly to the figures, because I give them as my impression merely.

Q. They all lived in Worcester and voted there?—A. Yes; I do not know that they have any men from outside of Worcester.

Q. You say that Mr. Moen was an active member of a church?—A. Yes, he is a leading member of the Calvinistic Orthodox church there.

Q. It has a very large membership there?—A. I cannot say certainly, but I think they have three or four churches there, maybe more.

Q. In inviting Mr. Moen to this conference, you had in view his connection with the religious as well as the lay interest?—A. Generally, as a prominent citizen and as one prominent in a religious way, I wanted Mr. Moen there and wanted his influence.

Q. You wanted to combine the power militant with the power triumphant?—A. I did, Mr. Senator; that was exactly what I wanted to do, and it proved to be "the triumphant" in the end. I wanted to carry the city of Worcester triumphantly, and, although the result was very close, it was accomplished.

Q. Were you looking the gift horse very closely in the mouth?—A. Do you mean that I would not have looked particularly at methods? I would not have done anything but what was fair.

Q. But if you knew that something unfair was going on, would you have stopped it?—A. Oh, I would not have had anything to do with it.

Q. But if Mr. Moen, that year, had got a larger Republican vote out of his establishment than usual, you would not have made any question as to the means he used?—A. Oh, I would not as to a man like Mr. Moen.

Q. And if, in his church operations, he had reached out a little farther than had been customary after the carnal minded who were inclined to go for Butler and brought them in, you would not have thought it proper to question that?—A. I do not know that that is a very fair question for you to put, and I ought to say, in answer, that he is a gentleman of too high a character to be suspected.

Q. Oh, I have no doubt of that.—A. And nothing at that meeting was suggested that would have implied that we wanted anything done that was not fair.

A. But you thought that he could use more convincing arguments with his employes than a stranger could?—A. Yes, I think I can say that. I think that that is fair.

Q. And you wanted the fact brought to his attention prominently that it was quite necessary for him to use all his influence morally and politically?—A. Yes, I think I did. I do not think that that is a bad statement of it, and I do not think but what it was the right thing for us to do.

Q. When you went to these manufacturing establishments to address political meetings, had you advised the proprietors that you were coming?—A. I have not made myself clear. I did not go to address any political meetings at the manufactories.

Mr. PLATT (to Mr. McDonald). I think you have misunderstood the witness.

The WITNESS. I have addressed political meetings frequently, but not at the manufacturing establishments. You have got a wrong idea, as I have not made myself clear. I think that what I said in answer to the chairman's inquiry was, that I asked some of these gentlemen whether it would not be a good thing to call their hands or employes together and have it set forth by arguments how the issues of the campaign stood, because I was afraid we could not get everybody down to attend the meetings. Finally we got up such a stir there that we got the people to attend the meetings, and they got the views that we wanted them to get.

Q. They received the light from some quarter that you wanted them to have?—A. We finally got them roused up, and everybody else, and we swept the city.

By Mr. PLATT :

Q. If I understand you, your idea was that it was just as legitimate for an employer to call his people together and address arguments to them, as it was for General Butler and Dennis Kearney to address them?—A. Oh, entirely. I think that is perfectly fair. I have no knowledge that anybody did. I put the question to two or three, but do not know that anybody did.

Q. But you thought it was proper that they should?—A. I think it was a proper subject of inquiry whether it would not be a good plan. But manufacturers, it seems to me, are extremely sensitive about exercising any influence, and I do not think that these gentlemen did a great deal anyway. There was a great deal of good nature in the campaign, and I think we got a great many to go with us because the campaign was conducted so good-naturedly.

By Mr. BLAIR :

Q. Did you know of any case of intimidation, bulldozing, or undue influence of employers upon their laborers?—A. I did not. I never knew of any. I never suspected any. I do not think there was any.

Q. Either in Worcester or any part of the State?—A. I do not know much as to the State outside of Worcester. I began to make speeches at a distance from there, but I found that I had to stay in Worcester all the time, as it was my duty to do, in order to carry that city, and that we had got to carry it. Therefore, I knew nothing of what happened outside but from what I saw in the papers.

By the CHAIRMAN :

Q. What was the color of the ticket that was used by the Republicans in Worcester?—A. It was a white ticket. I did not attend to the

details of getting up the ticket. I am not sure that it was a white ticket, but give that as my impression.

Q. You think it was not tinted with the stripes upon the back of it?—A. I should think not. If anybody stated it was not a white ticket, I should say that he knew better than I did; but I think it was a white ticket.

Q. What is the proportion of foreign workmen to those of American birth in the mills?—A. My opinion would not be good for much. We have a large foreign population there, but they blend so much that I cannot give an opinion.

Q. Is there quite a number of Democrats working in the mills?—A. Yes.

Q. Are they known and recognized as such?—A. Yes.

Q. Was the influence which you sought to have exercised by the gentlemen whom you called together to be exercised upon those men?—A. There was no one specified. It was to be all the influence that they could get; that is to say, "all the votes you have, gentlemen."

Q. Was any influence exercised to take votes from Talbot?—A. I do not know. We supposed we would have four or five hundred of what they called "the straight Democratic votes." I do not know whether we did get them or not. The canvass came out just about as I predicted it would. I thought that we should have about five hundred majority. We had 576, I think.

By Mr. PLATT:

Q. What was the preceding election at which you had about the same majority—five hundred?—A. It was the governor's election. We had a pretty hard contest then. I cannot remember what it was that made the contest such a hard one, but I remember that I thought it was a life and death struggle. I do not recollect what the issue was, but there was some reason, I know that, why we thought it very important to carry the State the year before.

GEORGE G. CROCKER recalled.

The WITNESS (responding to inquiries addressed to him when previously on the stand relative to the so-called manufacturers' circular asking for a thorough canvass of employes, &c.). The date of the meeting at which General Butler brought out the circular was October 23, 1878, and the meeting was held at Faneuil Hall. The denials of the chairman and State committee appeared in the afternoon papers of October 24 and morning papers of October 25.

By the CHAIRMAN:

Q. Can you now give the date of the meeting at the Parker House?—A. I do not know it.

Q. Was it prior or subsequent to the date you have given?—A. I cannot tell.

By Mr. McDONALD:

Q. Can you furnish the committee with a copy of the card of denial that was published?—A. It appeared in the Boston Advertiser of October 25 and in the evening papers of the previous day. In regard to my statement of the way in which the ballots in the matter of Congressman, &c., were printed, I wish to say I have found that my recollection

was somewhat at fault. I have looked up some of the ballots and found that they were of this nature. I will say first that it was supposed at the time that there were many Democrats in Mr. Morse's district who were not going to vote for him, and were going to vote for the Republican candidate. Therefore it was important for the opposition to provide against scratches or pasters. Consequently the Democratic ticket in some of the wards of the district—I do not know that it was so in all—was printed with Mr. Morse's name on in the regular place, and at another point, at the bottom, in fine type the same name; so that if the voter pasted over the name where it first occurred, intending to vote for the Republican candidate, his wishes would not be carried out. I have here one of the tickets of which I speak. It is a regular Democratic ticket with Mr. Morse's name printed in one place in very large type, and farther down in very small type the following: "For Representative in Congress, Leopold Morse, of Boston."

By the CHAIRMAN:

Q. Do you know of any special cause for that name being so printed ?  
—A. There was a disaffection among the Democrats; it was feared that they were going to scratch his name, and the idea was that if they should scratch it in one place they would not see it in another, and that their scratching would not do any harm.

Q. Do you know what Republican had charge of the disaffection among the Democrats ?—A. I do not.

Q. Do you know of any money being paid to produce that disaffection ?—A. No; that disaffection as I heard of it originated in this, that they thought Mr. Morse had not done as much for them after he had been elected, that is, during the term which he did serve, as he ought to have done.

Q. Do you not know that a certain Republican of the city was operating in the Democratic party in that district with money to produce the very result of which you speak ?—A. I do not know who it was. Of course all Republicans were working to accomplish the result that they hoped for.

Q. Do you know of any Republican in the city who was operating with money to produce that result in that district ?—A. No.

Q. Do you know a Mr. Sowden ?—A. Yes.

Q. Is he a Republican or Democrat ?—A. A Republican.

Q. Do you know whether he attempted to exercise influence of any character in producing disaffection among the Democrats in that district ?—A. I do not.

Q. Do you know in any way of his having paid money to voters in that district for that or any other purpose ?—A. For the purpose of creating disaffection ?

Q. For the purpose of getting Democrats to vote against Mr. Morse ?  
—A. No; I did not keep the run of it, of what he was doing.

Q. Did he or any one else tell you that he was connected with it ?  
A. No.

Q. You know nothing of it, then ?—A. He was at work for the Republican party.

Q. Mr. Sowden was ?—A. Yes.

Q. What then ?—A. I suppose he worked in all the proper ways for him to get votes.

Q. Then it was a proper way for him to work in that way; that is, to use money ?—A. Well, certain methods he used; I do not know whether he did or not.

Q. Was he detailed by the State central committee for that purpose ?  
—A. No.

Q. Had he any connection with the State central committee ?—A. No ; I think not. I think he is on the committee for the district, and that is not appointed by the State central committee.

Q. He was connected with the Republican committee of the district ?—A. Yes.

Q. Do you know whether he got any money from the State central committee for any such purpose ?—A. I do not. It was our rule not to give any money for any such purpose.

Q. Do you know where the money used for any such purpose, if any was used, came from ?—A. I suppose from the treasurer of the State central committee.

Q. But money thus used entered into the aggregate that you say passed through the funds of the State central committee ?—A. I did not make any statement in regard to that, it was Mr. Thayer. I do not know what it was that he included. I suppose it would not.

Q. Do you not know now that the use of four hundred dollars was given to Mr. Sowden in that district to be used among Democrats ?—A. No.

Q. Have you heard of it ?—A. I have heard of some stories of money expended, but I do not know what the amounts were, nor how it was expended, nor anything about it.

Q. Did you hear of Mr. Sowden having expended money ?—A. No, I did not. I presume that he expended money, I have no doubt he did, but my information on that subject is not sufficiently definite to be of any value to the committee.

By Mr. McDONALD :

Q. What ward or wards in Mr. Morse's district was it understood that there was a disaffection in ?—A. No particular ward that I know of.

Q. In what part of the city ?—A. In the North End and in the South Cove district.

Q. You say it was understood that there was a disaffection in a part of his district. How did you understand that ?—A. I heard so from various quarters.

Q. What did you hear about it ?—A. O, that this man, that man, and the other man had not been properly treated by him and were not going to vote for him, and so forth. I heard the names of persons about whom I did not know anything.

Q. That information was brought to the Republican committee, was it ?—A. It was. I do not remember where I heard the news, perhaps on the street, perhaps in the committee-room.

Q. Where did you pick up these ballots which you have brought in here ?—A. I found those in my office. My partner had one.

Q. You say that those ballots were printed for the purpose of counteracting that disaffection ?—A. That is what I suppose.

Q. Why do you suppose that ?—A. That seems to be a natural inference.

Q. That is your supposition simply. You have no evidence of it except simply that Mr. Morse's name is twice printed upon the ballot, once in large letters and once in small letters ?—A. It operated so, I know, too.

Q. How do you know that it operated so ? Do you know of any case where a party scratched Mr. Morse's name out where it was printed in large type (leaving the name in the small type), and that the ballot was

still counted for Mr. Morse?—A. I believe that that was investigated and a report found.

Q. I am not talking about reports, I am asking for your information.—A. No, I did not go around on that day so as to be able to investigate it.

Q. You do not know of your own knowledge that anything of that occurred on that day of the election?—A. No.

Q. And your explanation of this ballot is simply your own inference?—A. My own inference.

Q. That ballot, you say, was found by your partner in your office. Was it brought in there during the canvass or during the election day?—A. I do not know. He saved it as a curiosity.

Q. When did you first see a ballot with that one name upon it printed twice in that way?—A. I cannot say that I ever saw it before to-day. I might have seen it when he brought the ballot home that night and might not.

Q. You did not see it on election day that you have any recollection of?—A. I saw a similar one on election day.

Q. Had you seen one similar to the one here before the election day?—A. No.

Q. When your committee understood that there was some disaffection toward Mr. Morse in his district, what action did it take for the purpose of working up, utilizing, and getting the benefit of that disaffection?—A. The Republican State committee does not take any hand except in a general way in the separate Congressional districts; those are all managed by Congressional committees.

Q. Who was chairman of the Congressional committee in Mr. Morse's district?—A. I think Mr. Sowden was.

Q. Did not your committee confer with the chairman and members of the general committee with reference to matters of local interest in their districts?—A. We talk over matters with them from time to time.

Q. Do you recollect of talking over this matter with Mr. Sowden?—A. No.

Q. Was it ever a subject of discussion between you and Mr. Sowden?—A. I do not think we ever spoke of it.

Q. Was the subject ever discussed in the committee, or by any members of the committee, as to how this disaffection could be best utilized?—A. I could not say.

Q. Was it not thought that a little money or whisky, or something of that kind, might be of great benefit?—A. I never heard any such suggestion.

Q. You knew at that time that whisky had a very potent influence in the elections in this city?—A. I did.

Q. How did it happen that you did not use that potent power?—A. It may have occurred to us.

Q. Was it acted on?—A. No, sir.

Q. If it occurred to you and was not acted upon, I would like you to give the reasons why you discarded that potent influence?—A. As far as I am myself concerned, I should not ever use that influence, because I do not think it is a proper influence to bring in.

Q. If it would enable you to utilize, increase, and strengthen that disaffection which you say you understood to exist in the district, would you discard it as one of the instrumentalities of salvation?—A. I would.

ELI THAYER sworn and examined.

By the CHAIRMAN :

Question. Where do you live ?—Answer. In Worcester.

Q. Have you been a member of Congress from Massachusetts ?—A. Yes ; from the ninth district.

Q. Were you in the canvass of 1878 ?—A. I was. In 1878 I was a candidate for Congress, having been nominated by the Democratic party.

Q. Did you visit Manchaug Village ?—A. I did, and spoke there.

Q. Who had spoken there prior to your being there ?—A. The Republican candidate for Congress, Mr. Rice.

Q. In what county is that ?—A. It is in Worcester County. The village is in the town of Sutton.

Q. Is it a manufacturing village ?—A. It is.

Q. What is the character of the manufactures ?—A. Some textile fabrics.

Q. Where had the Republican candidate for Congress spoken ?—A. I was told that he had spoken in the hall owned by the corporation.

Q. Did you ask leave to speak in the hall ?—A. I did not ; but I was informed by my friends there, by political friends, that they had made application for the hall and were refused.

Q. How long was this after your opponent had spoken there ?—A. I am unable to say exactly ; I believe, a few weeks.

Q. Who was he ?—A. W. W. Rice, the present member. I believe he made his opening speech in Manchaug before I was nominated. A few weeks afterwards I went there to speak.

Q. Is the hall there owned by a corporation ?—A. I am told so.

Mr. BLAIR objected.

The CHAIRMAN remarked that other witnesses would be called to prove the fact.

Q. Where did you speak ?—A. It was proposed that I should speak in the open air, from the balcony in front of a house, and the people had begun to assemble in the street in front, but, the weather becoming suddenly very boisterous and rough, and the audience having just come out of the heated rooms of a mill, I proposed that we should go to a barn on the other side of the street, which proposition was acceded to and carried out.

Q. You spoke in the barn ?—A. I spoke in the barn.

Q. Of what class was the audience mainly composed ?—A. Of the operatives in the mill.

Q. Who was with you on that occasion ?—A. Mr. Mellen, of Worcester. He accompanied me several times in the campaign.

Q. Did the same thing occur in the campaign of 1876 ?—A. In 1876 I made no speeches. I was a candidate in 1874, I think.

Q. Do you know of the Boston Herald newspaper ?—A. I see it occasionally.

Q. Do you know who were its candidates at the governor's election last year ?—A. The Republican candidates were its candidates.

Q. Did you cut from that paper as an editorial the article now shown you ?—A. (Referring to a newspaper cutting.) This article I have had in my pocket ever since the campaign until this morning. I either cut it from the Boston Herald or it was handed to me by some friend who said he had cut it from the Boston Herald. I believe it was an editorial ; at least, I have so regarded it.

S BOS



[NOTE.—The newspaper cutting was here offered in evidence by the chairman. It is as follows:]

There will probably be a good deal of "bulldozing" done in Massachusetts this year of a civilized type. The laborers employed by General Butler in his various enterprises—mills, quarries, &c.—will be expected to vote for him or give up their situations. The same rule will hold good on the other side. There will be no shot-guns or threats. Everything will be managed with decorum, adorned by noble sentiments. But the men who oppose Butler employ three-fourths, if not seven-eighths, of the labor of the State. They honestly believe that Butler's election would injure their property. They know that idle hands are waiting to do their work. It is not to be expected that they will look on indifferently and see their employes vote for a destructive like Butler. Human nature is much the same in Massachusetts and Mississippi. Only methods are different. Brains, capital, and enterprise will tell in any community. It is very improper, of course, to intimidate voters, but there is a way of giving advice that is quite convincing.

Q. Are many of the operatives in the mills in Worcester Democrats?—

A. Very many; I should say a majority.

By Mr. PLATT:

Q. What is the name of this corporation that owned the hall?—A. The Mancheug Manufacturing Company, I think, is the name.

Q. Do you know the manager of that company?—A. I am not personally acquainted with him, but have heard that his name was either Chase or McArthur; that is, one of these was the name of the superintendent and the other that of the manager, as I am told. I was told that one or both of them were present at my meeting in the barn.

Q. Is the hall in that village immediately connected with their manufacturing establishment or situated at some distance from it?—A. I am unable to say, for I never saw the hall. This meeting was assembled upon the outskirts of the village and happened to be upon the very road by which I approached the village, so that I never saw the hall, and I doubt whether I saw the factory.

Q. The point of the inquiry was whether the hall was a part of their manufacturing establishment or was a separate building which they owned in the village?—A. I do not know as to that, but there are gentlemen present from Sutton who know all about it.

Q. At what hour was your meeting held?—A. Late in the afternoon, after the ringing out from the mill, but early enough to enable me to fill another appointment at Whitinsville, some distance from this. I know that it was quite dark when we got through our meeting in the barn, so dark that we had lanterns.

Q. Was the hour of the meeting selected with special reference to catching the operatives as they came from their work so that you might address them?—A. I suppose it was selected with special reference to enabling the operatives to attend and hear, otherwise there could have been no meeting in Mancheug, as there are only operatives there.

Q. Did they work in the evenings?—A. I do not think that they did.

Q. If the meeting had been held in the evening, all classes of citizens could have attended it?—A. Yes; but my other appointment interfered with my being there in the evening. I had to speak two or three times a day pretty much all the time.

Q. At what point, with reference to its proximity to the works of the corporation, did you commence your open-air speech?—A. I did not commence it.

Q. You were to speak in the open air?—A. It was so arranged, and the audience began to assemble in the street, when I proposed that we should go across the street. I did not see the corporation's works that day. Our approach to the village was by the very road on which this

meeting had assembled, and I think the house was the very first one on the road leading to the village. I did not go further than that on the road. I could not tell whether the place of the meeting was a quarter or a half a mile from the company's works, but it was in the vicinity on the outskirts of the village, not far from them.

Q. Have you known of the Boston Herald for many years?—A. I have known of it; have frequently read it; but have not been a regular subscriber to it.

Q. What do you understand its politics to be?—A. I think it is very difficult for anybody to understand what its politics are.

Q. Is it classed as an independent paper?—A. It was sometimes called such, but it was the most partisan of all papers last year, so far as I know.

Q. That was in the Butler campaign?—A. Yes; it was last year, so far as I have knowledge, the most intensely Republican of all the papers in Massachusetts.

Q. On that particular issue, Butlerism, aside from Butler's running for governor, has it ever been classed as Republican?—A. On the main issue, who shall issue the currency of the country, it has been more intensely Republican than any other paper.

Q. An intensely hard-money paper?—A. A "gold" paper.

Q. You get the point of my inquiry?—A. Yes; but it calls itself independent.

Q. And would not claim to be an organ of the Republican party?—A. Except upon occasion.

Q. And then it is rather its own organ than anything else?—A. It is its own organ.

Q. Rather than a party organ?—A. I think so as a rule.

By Mr. BLAIR:

Q. Which are the Republican papers of the city of Boston?—A. The Journal and the Advertiser are, I think, prominent as such; as also, I believe, the Transcript, though I seldom ever see it.

Q. And the Traveller?—A. The Traveller also; I usually read the New York papers instead of the Boston papers.

By Mr. PLATT:

Q. What took place between the agent of the corporation and any other person with regard to the refusal of the use of the hall, you know of only from hearsay?—A. Yes, sir; I saw no man with reference to the hall; I was not introduced to the superintendent or the manager, and all that I know about the hall being refused is merely from what my friends told me there; I know nothing of the circumstances only from what I heard, which was that they would not let the hall to Democrats.

By Mr. McDONALD:

Q. But you know this, that you did not get to speak in the hall, and had to speak at some other place?—A. I know that I spoke in a barn and did not speak in the hall, and I suppose that it was for the reason that was given me.

Q. For the same reason that Jack didn't eat his supper?—A. Yes; I feared that our people might feel humiliated somewhat, and I expressed myself upon that point; however, this is no place for me to repeat any part of a stump speech.

Q. We have had several?—A. Yes; I heard some this forenoon; what I said was that I hoped none of my friends would feel humiliated in being obliged to attend a public meeting in a barn, for, above all

cathedrals and temples, I held the barn in reverence as having been the birthplace of the Saviour of mankind, and I was glad to see my audience lighted up by it.

Q. But you did not go to the barn that day from any preference for the place?—A. No; still I cared very little where I spoke, so I did not have the wind in my face.

MR. PLATT. A great deal of the early New England preaching was in barns, was it not?

The WITNESS. Yes, sir.

JAMES H. MELLEN, sworn and examined.

By THE CHAIRMAN:

Question. Where do you live?—Answer. In Worcester.

Q. What position do you now hold in the State?—A. None whatever. I was a member of the legislature for three years, from the city of Worcester, and chairman of the labor committee of the house of representatives.

Q. Were you present on the occasion of which the preceding witness (Mr. Thayer) has spoken?—A. I was at Manchaug Village with Mr. Thayer during the last campaign.

Q. Where did you speak?—A. We spoke in a barn.

Q. Do you know who owns the hall there?—A. I learned that it was owned by the Manchaug Manufacturing Company. Of that company Mr. McArthur is the agent and superintendent.

Q. What was the character of that hall; was it a public hall?—A. The hall is owned by the company, as I learned that day. It is over and in the same building with the post-office, and was used as a public hall. I was told that minstrel troupes performed there, that various kinds of meetings had been held there, that they had no objection to the operatives holding meetings there if for political purposes; or, for that matter, if they were for Republican political purposes.

Q. Was any effort made to get the hall for you on that occasion?—A. We were so informed; for that matter we tried to get it. The day was a raw, blustery one, and we found that the only place where we could speak was out of doors in the draught.

Q. Did you speak with Mr. Thayer that day?—A. I did; I think I followed him.

Q. What do you know about the control of employes by employers in the county of Worcester?—A. Personally, I have but little knowledge, my information being mainly from hearsay. Having been connected with the labor committee in the legislature, I have heard many complaints from workmen in different parts of the county and in different parts of the State. I know that there are more complaints coming from a village like Manchaug, where a single individual is almost an autocrat, than from the city of Worcester; for instance, in a city like Worcester, manufacturers are more in dread of public opinion, although there were the last time some complaints from the cities.

Q. What is the number of Democratic voters in the city of Worcester?—A. There were last fall for governor nearly forty-two hundred votes cast for Butler and nearly forty-seven hundred for Talbot. I believe that some two hundred votes were cast for Judge Abbott.

Q. What proportion of the operatives in the mills are Democrats?—

A. The industries are varied; I do not know that I could tell the proportion of voters among the operatives. I say this much, that the great mass of Democratic voters are operatives.

Q. What is the fact as to the great mass of the employers?—A. They are Republicans and Abbott men.

Q. What are the superintendents and agents of the corporations generally?—A. They usually agree with their chiefs, "the captains of industry," as they call them—their employers.

Q. Were there more complaints last fall on this subject of the control of employés by employers than usual?—A. Yes; many more. The campaign was more heated than any other in my time, at least; and, as the committee can judge from the testimony of the chairman of the Republican State central committee, who was here to day, from the harsh names he applied to those who did not agree with him and the suggestions he made to those who were called together by him, who were employers, it is to be presumed that means were brought to bear upon those who were in the mills more generally than they had been at preceding elections.

Q. What was the result at the election, so far as you know?—A. In the city, I do not know that there were so many intimidated, because I think they are less subject to the control of employers. I have heard of some instances, but could not particularize. If I had known last winter that it would have been possible to get an investigating committee to come to Massachusetts to inquire into the subject of the intimidation of the operatives or the men who vote with the Democratic party, I think I could have submitted many facts. If I had been notified of it only two weeks ago, I might have been able to submit many facts; but I was too busy yesterday when subpoenaed even to collect my thoughts as to what facts I did know. I know of one case in point in which I was concerned which will illustrate the manner of intimidation. It occurred in a shop that I worked in two or three years ago.

Mr. Platt reminded the witness that the inquiry was confined to the Presidential election of 1876 and subsequent State or general elections.

The WITNESS. I guess this was at a municipal election.

The CHAIRMAN. Then do not mention it.

By Mr. McDONALD:

Q. What is your occupation?—A. I am working on a newspaper now.

Q. As compositor or publisher?—A. As publisher.

Q. What paper are you publishing?—A. The Worcester Daily Evening Star, recently started.

Q. In what were you engaged last year?—A. I was speaking.

Q. Were you engaged in any business except that of the canvass?—A. As a foundryman, employed in a foundry.

Q. You knew that Mr. Thayer, the chairman of the State central committee, was the chairman of the central committee, did you not?—A. Yes, sir.

Q. You knew him personally?—A. I knew of him for years. He is a Worcester man, was born and brought up in Worcester.

Q. Did you know anything about the meeting that was held at the office of Mr. Washburne in Worcester at which Mr. Thayer met those other gentlemen?—A. Not personally, only from hearsay.

Q. You knew of it at the time?—A. I heard of it shortly afterwards.

Q. The fact that such a meeting as that was held was known in Worcester, was it?—A. It was.

Q. Was its character understood?—A. It was understood that it was

a meeting of employers for the purpose of agreeing upon a plan of working upon their employes.

Q. A meeting called there for the purpose of conferring with the representatives of the Republican organization of the State upon that question?—A. Well, no, sir. The prevalent opinion was that it was a meeting of employers to agree upon some plan of working their help, of prevailing upon them to vote as they voted.

Q. Of agreeing upon some plan for help to their ticket and to devise the best means in which it could be applied?—A. Yes, sir; as I believe, of forcing their help, through dread of non-employment, to vote contrary to their wishes and according to the wishes of the employers.

Q. That impression went out in regard to the character of the meeting, did it?—A. Yes, sir; that was the prevalent opinion.

Q. To administer something like convincing advice to their employes?—A. Exactly; a sort of civilized bulldozing.

Q. How long before the election was it, do you understand, that that meeting occurred?—A. I presume a couple of weeks. I could not say definitely.

Q. You were a candidate for the legislature at that time?—A. Yes, sir; that is, I could not say that, as our caucuses when they made the nominations were later.

Q. You were a candidate for the nomination?—A. Yes, sir.

Q. And you were made a candidate for representative and were elected at that election?—A. Yes, sir.

Q. You were then actively concerned in the canvass from that time in October up until the election in November. Did you know of any sensibly manifest effect growing out of that meeting? Did you notice any strong political current setting in from that time as against the current of sentiment which before that had been running in the county?—A. I could not tell what was its effect in the county; and in the cities, as I remarked, I do not think it had any very great effect. I think it had some.

Q. It had some?—A. I think it had. An employer calling his men together and telling them, "I would like you to vote so and so," was like a creditor who would call his debtors together and say, "I would like you to do so and so."

Q. They have a very persuasive way of settling that question?—A. Yes, sir.

By Mr. PLATT:

Q. What are your politics?—A. I am somewhat independent. I have voted the Democratic ticket. If a Democrat who was not what I thought he ought to be was up, I would not support him; if he had done an act that I thought he ought not to have done, I would not support him, as I have not in the legislature supported some Democrats.

Q. You were running on the regular Democratic ticket in 1878?—A. Yes; in a largely Democratic ward, the largest of its kind in the city.

Q. You had been elected previously?—A. I was elected two years, in 1877 and 1878.

Q. In what establishment were you employed in the fall of 1878?—A. I was not employed last fall at any establishment. I am a moulder by trade, but was out of a job.

Q. Previous to that, how long had you been employed in a foundry?—A. It might have been a couple of years. When I got through with the legislature, I found it difficult to get a job; my business is poor also.

Q. So that you have no knowledge, in respect to any establishment

in which you were employed, as to any influence having been brought to bear upon the operatives?—A. I was going to narrate an instance in which I was concerned, which was at a municipal election.

Q. We cannot go into that. Take the election of 1878, which was a severely contested election in Massachusetts. Do you yourself know of any instance where any man's vote was influenced by the dread or fear of loss of his employment?—A. Not personally. I was not present, but I have heard the accusation made and denied in a way that was not satisfactory.

Q. Let us have that instance.—A. This morning Mr. Thayer alluded to it, that it had been given common notoriety. It was in Mr. Vaill's factory. Mr. Vaill was accused of discharging a man because the man was a positive Butler man, and had expressed himself so to his fellow-workmen. Vaill afterwards said that he had discharged him because of his stealing alcohol. He said this in a little note that I cannot recollect the language of now, but I know it was worded in a very insulting manner against everybody who believed in Butler.

Q. Is Mr. Vaill a manufacturer in Worcester?—A. Yes, sir. I mention this instance because I know it was quite commonly known. There are lots of things I heard of during the canvass which I cannot now point out, as they have escaped my memory.

Q. The instance you speak of was one where the matter got into the newspapers and acquired public notoriety?—A. It was a matter of public notoriety in the city.

Q. We want to get at any cases that you may know of, so that we may investigate and follow them up.—A. Probably a gentleman will follow me upon the stand as to Manchang, who knows that there was a man turned out of his tenement because of his political proclivities.

Q. What I desire to get now is your own knowledge. You were somewhat active in the canvass. Have you heard of any other cases which you consider so well authenticated that you would speak of them here, in which persons have been deterred from voting through fear of loss of employment, or have been discharged because of having voted or not voted?—A. I have heard of this species of intimidation in Whitinsville, but I do not know that I can particularize the case. I have heard of the employers of the county standing by the ballot-box watching the employés as they came to vote. I cannot now give the names. As I said a while ago, if I had known that this thing was to occur I would have been prepared. I can now only tell you in a general way what I have been told, without giving the names of the parties.

Q. Then am I to understand that, with the single exception of this case of Mr. Vaill's, who was charged with discharging a man, you cannot give me any names?—A. I cannot, with the exception of that of the corporation in Whitinsville.

Q. Do you know the name of the corporation?—A. The Whitinsville corporation.

By Mr. BLAIR:

Q. Can you give the names in that case?—A. I cannot give the names, nor further than that the cases were those of some of the superintendents, and that one of them was called Whiting.

By Mr. PLATT:

Q. I understand you to say that there was very little intimidation in the city of Worcester?—A. There was not so much there as there was in towns. It is impossible that there should be so much. It is easier to bring to light the wrong-doings of an employer there; it is harder to

cover them up, because of the public press and because of the number of the people who would become cognizant of them. In a factory town it is different. There is no newspaper there; the operative lives in a tenement belonging to the manufacturer; his wages are small; his wife probably works in the mill; his children probably work in the mill; and, if he is any way fractious, or opposed to voting in the way that these people dictate, his wife, children, and himself are turned out of the mill, out of the tenement, and out of the means of earning a livelihood.

Q. But I understand you are putting a hypothetical case, which we cannot inquire into or reply to?—A. That may be.

Q. You had as many votes for Butler as you had for Gastin, or whoever was the Democratic candidate, in the year before?—A. No; I do not think we had.

Q. Was not the majority in 1877 for the Republican ticket at the State election about the same as it was in 1878?—A. The majority was about as large as was that over the Abbott Democratic ticket, the Butler Democrats, and the Independents, but there was a larger vote cast in 1878 than in 1877; but mind you, as has been remarked this morning, money is a potent influence in these canvasses. There was but little money used in Worcester among the men who supported General Butler. The men who usually contributed their money to the campaign fund were as hostile to Butler as any men could be; and, if they spent anything, would spend their money for Talbot.

Q. I am not inquiring about the men who spent money on either side. You know the workingmen in Worcester—that is your home?—A. Yes, sir. I know them very generally through the State.

Q. Worcester is your home, and your associations have been with the Republican and Democratic workingmen there?—A. Yes, sir; I have associated some with both sides.

Q. If there had been in Worcester anything approaching to intimidation of workingmen there, would you not have been likely to know of instances of it?—A. Yes; I did at the time; and if I had known that there was to be an investigation, a month ago or six months or two years ago, I would have been able to substantiate the fact that there was such intimidation; but, not knowing that, and having paid attention to it only for the moment, I cannot, a year afterwards, or nine months afterwards, produce evidence of it, or give it, except as hearsay.

Q. If it had come to your knowledge prior to the election that any manufacturer had attempted to use undue influence upon the workingmen, would you not have used that in your speeches and made use of it with the people?—A. We did. This case at the municipal election and the Vail case were specified. I do not remember other cases.

Q. But you do not remember that you did hear of any other case?—A. I could not say now.

Q. And if, after the election, any case had come to your attention in which a man said that he had been discharged on account of the election, you would have made it public?—A. No; I could not say that I would after the election. I know this, that last year a number of men came to the headquarters and told me of a number of instances of intimidation, but I do not now recollect the men's names.

Q. You mean before the election?—A. I mean before the election; of undue influences brought to bear upon these men.

Q. Were those facts made public?—A. They were spoken of at our hall, among our men. Mind you, we had not a paper then published

The two papers there in Worcester were daily denouncing us as communists, as people who had a design upon the commonwealth.

Q. And yet those cases made so little impression upon your mind that you cannot now give us the names in those instances?—A. No, sir; I cannot now.

Q. Has it not been your experience in politics that the losing side always gets up a good many stories of "bulldozing," if we may use the word, of intimidation and corruption, which really have not much foundation in fact?—A. I know that sometimes the winning side have to say those things. Sometimes, of course, they are said by both sides.

Q. Aside from that of this Mr. Vaill, have you heard of a single case that you can give this committee where a man was discharged, or claimed to be discharged, for having voted against Butler?—A. I cannot give the name to the committee, but, as I have told you time and time again, I could have given it if I had known at that time that this investigation would be made.

By Mr. BLAIR:

Q. You have had an opportunity to observe the operation of this Federal law within a few years?—A. Yes, sir.

Q. I suppose you are aware, then, that this law is designed to afford protection in just such cases as those you are complaining of?—A. Yes, sir.

Q. Why do you not avail yourself of its provisions to punish the guilty parties in these cases of intimidation?—A. If the intimidation takes place before the election, it is very difficult to avail yourself of it.

Q. It would be all the same whether before or after. If it is intimidation by threat or inducement, or effort at corruption, it would be alike punishable.—A. Intimidation can be conducted so skillfully that it may be next to impossible to prove it.

Q. But you are hardly justified in saying that intimidation exists unless you know of it and can prove it, or unless you have facts to go upon. Your suspicion that these things do exist (which you may make use of for political effect) should never be the basis for a charge of crime, should it?—A. That is true, but we have more than suspicion.

Q. Then, if you have more than suspicion, why have you not made your knowledge the basis of a charge under the law?—A. As I told you, we labor under the difficulty of having to testify some time after the occurrence.

Q. But these events were fresh at the time of the election, but, so far from gathering up the facts and making use of them, you have allowed them to lie dormant, and are not able now to recollect them yourself.—A. I cannot now.

Q. Then it would be useless to bring them forward as a reason for a change of this law, which is for your protection.—A. I am not finding fault with that law.

Q. Do you not think that it is necessary in many places?—A. In many places, no doubt.

Q. Do you not think that it is necessary here in Massachusetts, to reach just such places as you are speaking of?—A. Yes; if it will reach them.

Q. Do you not understand that General Butler himself is the author of this law?—A. That does not matter. I do not agree with General Butler in all his doings.

Q. But you do not find fault with the law itself, do you?—A. I am not here to find fault with that law.



Q. Then that is all right; I have found one citizen of Massachusetts who is in favor of the law.—A. I have not said that I was in favor of the law. I am not finding fault with it. I am not here to find fault with it.

Q. You have stated that you know of no instance of actual intimidation in the State.—A. I have told you of the difficulty of even getting evidence if I should know of it, as I know it is difficult even to get men to go before the labor committee (as has been demonstrated time and again in my experience), from the terror that hangs over them.

Q. Have you known of any intimidation on the part of the Democrats or of men in favor of the election of General Butler at and before the governor's election in 1878?—A. The Democrats who had the power to intimidate were last year on the side of the Republicans; they were the Democratic tail to the Republican kite.

Q. You speak of the Abbott Democrats?—A. I speak of the Abbott Democrats.

Q. Who were they who were engaged in this process of intimidation in coalition with the Republicans?—A. I do not exactly say that. Their sympathies were with the other side.

Q. You do not know of any instance where the Butler Democrats actually intimidated anybody?—A. I know that the worst species of intimidation during the year was at the last convention by the Abbott crowd. The great trouble last year was, that the people who claimed to have all the virtue and intelligence of the commonwealth were on the Abbott side; and for that reason they accused the poor Butler side of being the bulldozers.

Mr. BLAIR (after an informal conversation in the committee upon the inexpediency of inquiring into the witness's reference to the State convention). I do not know of any reason why, if this gentleman knows of intimidation on the part of the Democratic State committee, he should not tell it.

The WITNESS (continuing his statement). It would not perhaps be criminal nor actual intimidation for an employer to call together his employes and lecture them upon their duties politically; yet I say it is cowardly, it is bulldozing; because the man who is thus talked to knows, particularly if the winter is a bad one and times are somewhat hard, that while he is merely talked to to vote in a certain way, at the same time his employer wants to force him to vote that way.

Q. Suppose that the employer says to the men, at the same time, that he has no objection to their voting with the utmost freedom and just as they choose, but undertakes to explain to them the political issues, so that their judgment may be convinced—is that wrong?—A. That is right.

Q. Do you know of any instance in which the employers did call their employes together, and, with a menacing shake of the head such as you have just given us, explain to the men that it would be to their interest to vote as they (their employers) voted?—A. It seems to me that an intelligent man, such as you are, Mr. Senator, could infer from the remarks or the equivocal testimony of the two gentlemen who were on the stand to-day what the purpose was.

Q. I am not asking you as to what other gentlemen testified to, but am asking for your knowledge. Their testimony is already a matter of record. Do you know of any instance where an employer did call his own employes together and did address them on the subject-matter of their voting at all?—A. Not personally.

Q. Then you need not make the statement as to what you have heard.

—A. There is the difficulty. I am hedged in, you see, somewhat, since what I know and feel to be true I cannot tell.

By Mr. PLATT:

Q. In your public speeches, did you not make it a point to address your remarks to operatives and workingmen?—A. I addressed them as citizens.

Q. When you speak to them as a class you address them as workingmen?—A. No, sir; unless a meeting is called together—Oh, no; not at all. I see what you are driving at. If it is in a political canvass, I consider the operative the peer of the best Republican in the land.

Q. So do I.—A. If it is a workingman's meeting for the purpose of talking of grievances that the workingman may have against an employer, then I may address them as workingmen.

Q. Did you not, in your political speeches in 1878, address your remarks to operatives particularly?—A. I called them my "fellow-citizens," I did not call them "operatives."

Q. The point is, did you not speak to them with reference to their relation to their employers?—A. I quoted in my speeches to them from articles that I found in the New York Times and, for that matter, in the New York World, the conclusions of which, it seemed to me, pointed toward a monarchy; referred to some of the things that had been done in the interest of the moneyed class and of corporations, and commented upon the fact that the legislation in Massachusetts was controlled by the representatives of corporations.

Q. Did you not appeal to them especially to stand up for their rights as against their employers?—A. That is, if the employers were wrong and they right, certainly I did; but not to stand up as operatives because they were operatives, against employers because they were employers. That would be demagogism, wholly.

Q. Then you were during the campaign, as I supposed, addressing arguments especially to the workingmen?—A. No, sir; my audiences were not selected because they were operatives.

Q. Not at all, but you addressed to them arguments which were especially applicable to workingmen?—A. I presume that in my speeches I did, as W. W. Rice did, make points that concerned and interested the workingmen.

Q. What I want to get at is this, whether you hold that the man who employs workingmen must not address them upon such subjects as he may think are of interest to them?—A. An employer has a right to address his fellow-citizens as I have, but when he gets up a meeting in the corner to lecture them, as I have known them to do, I do not think he is doing exactly that which is right.

Q. That was not the question. The question was whether you held it to be wrong for employers, either singly or in numbers, to endeavor to convince them by arguments simply as to their political duty, going no further than that.—A. Now permit me to answer you. If the employer knows that those men are conscientious in the sentiments that they hold and knows that they conscientiously differ with him, and if then he calls them together and talks to them in this way merely because he is determined to carry through his candidate, I say I do not think it is fair. He does not talk to them because he thinks he can persuade or alter them in their convictions, because, if that was his motive, why would he not have talked with them on the subject at some other time in the previous two or three years? No, he talks to them because an exigency has arisen with the coming of the election day, and

he talks to them then because he must do it. I have conversed with newspaper men and manufacturers who have defended the right of the employers to compel their men to vote as they wanted them to.

Q. If you will answer my questions and not give us a stump-speech, I will be obliged to you. You talk to people in your audiences who do not believe as you do, who are of opposite beliefs politically, and try to convince them, do you not?—A. Yes, sir.

Q. Do you hold that a man, simply because he employs another, is deprived of the privilege which you have and which is conceded to you, of trying to convince men by proper argument?—A. I do not wish to deprive any man of his rights; but, Senator, you know as well as I do, only you are a Republican and I am a Democrat.

Q. Excuse me. I am not talking of whether the employer abuses his right or not. But assuming that he does not abuse his position, do you hold that the employer has not the right to talk to men who are his employés and try to convince them?—A. I do not hold anything of the kind.

Q. (By Mr. BLAIR.) Do you know of any intimidation of employers by workmen?—A. I have heard of cases of that kind.

Q. Do you know that it has been done?—A. I do not know that it has been done.

Q. (By the CHAIRMAN.) Do you speak of it as to voting?—A. No; the gentleman asked the question in a general way, and I did not suppose the gentleman would put so absurd a question as to voting.

By Mr. BLAIR :

Q. What, then, did you refer to?—A. To business. I never knew an employé to bulldoze an employer in that sort of way as to voting.

Q. I asked that question with a view to predicated upon it another. In reading the addresses of Mr. Kearney and the others who were pretty friendly to General Butler in the last campaign, have you not observed that they abound with denunciations of and threats against the capitalists, and have you not found in them many expressions from which the capitalist could reasonably infer that unless he changed his political course his property would be destroyed and his capital ruined?—A. I do not think—

Q. Can you not answer the question by yes or no?—A. Not if you put the question in a way that is unfair and untrue.

Q. I do not. I ask you if the speeches of Dennis Kearney—perhaps your own speeches and those of many who advocate the greenback theory—did not, last year, and do not customarily abound with denunciations and threats against the capitalist? Is not that so?—A. Will you permit me to answer in my own way? You ask what I think is an unfair question.

The CHAIRMAN. Answer, if you can, yes or no, and then explain what you mean by your answer.

The WITNESS. Then I certainly answer, no, sir. I say that the general speaker, that is, the greater number of the speakers in favor of General Butler should not be classed, as the honorable Senator and many others of his party class them, with Dennis Kearney, and that their speeches are not full of vituperative terms.

By Mr. BLAIR :

Q. You must understand that I have not classed them, but have referred to the speeches of Dennis Kearney, and of many who advocate the greenback theory, to have you state whether they do or not abound with denunciations of the capitalists as a class.—A. I acknowledge that

Dennis Kearney's do. I acknowledge that there are some who, like Dennis Kearney, use language that they should not. But it is equally true that many of those who talked for and supported General Butler last year used language less censurable than that which was made use of this morning, in this chair, by the gentleman who had the honor of being the chairman of the Republican State committee last year.

Q. On the other hand, the speeches of those who advocated the election of Governor Talbot were, as a rule, in their language, moderate and temperate in their treatment of the class to which you belong.—A. That is not true of last year, because their papers as well as their speeches abounded in extreme language, the tendency of which was to excite ill-will and bad feeling to a greater extent than was the talk of Dennis Kearney, because Kearney was assumed to be uncultivated, "a sand-lot orator," as he was called.

Q. Is not this the fact, that while the politicians were more or less heated, on the one side, the moderate and sensible men on the other side advocated their views in a sensible and moderate way; and did you not hear, in the last campaign, as much talk against the capitalists as you heard against the employers?—A. Well, that is about balancing the thing.

Q. Is it not true that it was so?—A. Probably it was.

By Mr. McDONALD:

Q. You were asked, in regard to their operation in this State, whether the Federal election laws were not intended to protect men from being influenced improperly, or improperly controlled. You do not know of anything in the election laws that would make it an offense for the chairman of the Republican State central committee to call together such gentlemen as Joseph H. Walker, George Crompton, George S. Barton, John J. Inman, E. W. Vaill, Philip L. Moen, and others of their character, and make to them a speech such as the one that he reported here to-day as the one that he did make to them at that meeting in Worcester?—A. No, sir; I do not think you could prevent it.

Q. The election laws furnish no safeguard against the consequences of an incendiary speech of that kind?—A. No, sir.

Q. It is better to let such talk go unnoticed than to prohibit it?—A. It would be difficult to draw the dividing line.

Q. Suppose that the manufacturers among these gentlemen, alarmed and impressed with what had been told them with so much apparent sincerity and earnestness by the chairman of the Republican State committee, had called the voters among their operatives together and given them what has been called "convincing advice" in regard to their duty; is there anything in the law that prohibits that?—A. No, sir.

Q. So that this law does not reach the particular evil that manifested itself out there in Worcester last year?—A. No, sir.

Q. Further legislation would be required before these laws could reach an offense such as that?—A. Yes, sir.

Q. Do you know of any benefit, in this State, that these Federal election laws are?—A. I do not. When was that law enacted?

Q. In 1871.—A. It seems to me that we got along the same when this law was not in operation.

Q. It seems to have been in operation only in 1876.—A. I was thinking that it was not in operation in 1872.

Q. Do you think that it pays to keep up, in this State, the expensive machinery which it has created?—A. No, sir. I believe, though, there have been cases and places where it has been efficacious.

Q. You were asked if General Butler was not the author of this law. Do you not know that a little gentleman down here in New York City is said to have framed this law?—A. I heard something on that subject.

Mr. McDONALD. I believe he has filed a caveat on that subject in order to secure his invention.

By the CHAIRMAN :

Q. Did the operatives in the mills express themselves freely during the heated canvass previous to the last governor's election in this State?—A. They say not.

Q. Why?—A. Because the men who were over them and the superintendents were adverse to them ; did not agree with them in their politics and there was a danger of their losing their situations or being among the first that would be let go. Now, sir, that night we were in Manchaug the operatives there told about the operations in that village for years. They said that one man, the superintendent, controlled the elections there ; that he obliged men to vote as he would.

Q. After this meeting of manufacturers at Worcester what, if any, expression was there that you know of as to whether it was perfectly safe for the operatives to vote as they saw fit?—A. There was no meeting for the expression of any sentiment.

Q. Was there a sentiment, as to that, among the workmen throughout the county?—A. There was fault-finding in the city before it was held.

Q. When a man is discharged from one of the places at which he has been employed in a mill, is it usual for him to get employment easily at another?—A. There is such a thing as black-listing. I have heard a good deal of it in my experience in the legislature. I do not know that the committee have.

Q. What is a black-list?—A. If a man is pretty independent and asserts his opinion and is discharged, word is sent around to the manufacturers of that section, giving his name, that he is a man they should not employ ; that he is apt to stir up strife and dissension.

Q. Can you give us the figures, for 1877, of the total vote polled in the city of Worcester?—A. I think the total was about 8,000.

Dy Mr. PLATT :

Q. Do you know as a fact that any manufacturers have sent word to other manufacturers about men who they thought ought not to be taken to work?—A. That is another thing it is difficult to answer. I have heard the testimony of men who have experienced the bitterness of this way of pursuing them.

Q. Are you able to say that such was the fact, or was it mere suspicion on their part? That is what we want to get at facts ; not at mere stories that cannot be substantiated. You do not know of any manufacturer who does it?—A. No ; it never has been done to me. As soon as work was a little slack, I was let go off by a manufacturer who acknowledged I was a good workman, and the only thing I could attribute it to was that I had been a little too independent. I had refused to sign a petition in favor of a gentleman who wanted to run, in the city, for mayor.

Q. That was a surmise. Then, too, as to this story of black-listing, does that amount to anything more than a mere surmise by people who are unable to get employment?—A. When you find a skillful workman—

Q. I am not asking you for an argument?—A. That is all that I can tell you.

Q. You have no knowledge on the subject, but you argue that it must be so?—A. No; the knowledge that I can now adduce is not of the kind that would convince you, but it is sufficient to convince me.

Q. Do you claim that there is a general system of that character among the manufacturers of Massachusetts?—A. I do not say that, by any means. I do not say that there is a general system of bulldozing by all the manufacturers.

Q. Have you ever known an instance where it was proved, or of any evidence that proved, that one manufacturer had informed other manufacturers about men?—A. It is hard for me to tell you now. I believe I could refer to State documents in which the fact is pretty well substantiated. I could, I think, if I had time, get men who would give evidence that would convince you that there are such manufacturers.

Q. Can you give the names of any manufacturers who, you think, have black-listed men?—A. That is putting a man in a box when you ask me to give the name of a man, and say that he did that, without my having my proof right here.

Q. On the other hand, you ought not to accuse manufacturers without pretty substantial grounds.—A. Those I have. But it is hardly fair to ask me to say that a man did it without my being prepared with proof.

Q. To what reports have you referred as containing information on this subject?—A. The labor bureau's reports. I think you will find some evidence in that work.

Q. In what year?—A. I cannot pick out the year. Of late years. You will there find testimony given by some of the operatives in that direction; that they have been black-listed.

Q. Is not this necessarily true, that an operative who, for one reason or another, has not been able to get employment during these hard times, naturally feels that there is some unusual reason existing why he cannot get employment?—A. I have no doubt there are some men who have been industrious, try to be thrifty, and are out of employment, who do feel that there is some unnatural reason for their position and are a little discontented.

Q. Is it not perfectly natural that there should be such a feeling?—A. I acknowledge that.

JASON WATERS sworn and examined.

By the CHAIRMAN :

Question. Where do you live?—Answer. In Sutton, Massachusetts.

Q. Have you been a member of the legislature?—A. I was, some two or three years ago.

Q. Were you at Manchaug Village at the time of the meeting last fall, when Mr. Eli Thayer was there?—A. I was. I introduced Mr. Thayer.

Q. Who is the superintendent of the Manchaug corporation?—A. Robert McArthur is the superintendent or agent. I do not know which title he assumes.

Who is John McArthur?—A. He is a brother of Robert McArthur's, and an employé about the establishment.

Q. In what capacity is John McArthur there?—A. I think he has some outdoor work, and is clerk in some of the departments.

Q. Who has charge of the hall in Manchaug?—A. I do not know

whether there is a janitor in charge of it, or whether Mr. Robert McArthur has charge of it.

Q. Did you not make application to Mr. Robert McArthur for the use of the hall?—A. I made application to him for the use of the hall, personally.

Q. For whom?—A. For Mr. Thayer and others to speak in it.

Q. Did you get it?—A. I met with a refusal of it.

Q. State what the conversation was.—A. Shall I state the reasons why I came to apply for it?

Q. Yes.—A. Up to 1876 I had always been a Republican; but in that year I went with the Democrats, for Tilden, because of my preference on the financial issues. At that time I was informed by the Democratic town committee that the hall had been refused to them, and also that the streets and lands throughout the village of the Manchaug corporation had been refused to them to allow them to raise a flag. At that time (October, 1876) I was requested to meet some speakers from Worcester to come and attend this flag-raising. I afterwards spoke there myself, in the same barn to which Mr. Thayer referred this morning. The gentlemen having the matter of the flag-raising in charge having been refused permission to raise it in the village, went outside of the property of the corporation, to the land of Mr. Coggshall, where they stretched a flag across the road, and there had the speaking from the veranda of Mr. Coggshall's house. That was in 1876. It was alleged at that time, as an excuse for the refusal to allow the use of the public hall, as they seemed to feel ashamed on that account, (the operatives and workmen, as I have been told, having contributed liberally for the furniture of the hall), that had responsible parties asked for the hall they probably would have got it. Therefore, in the Butler campaign of 1878, I suggested to the chairman of the Democratic committee, who was the same gentleman who had been chairman in 1876, to go and apply for the hall; but as he was very busy in his store, he requested that I should make the application. I then went to Mr. McArthur and applied for the hall, and told Mr. McArthur that as Mr. Rice, the Republican candidate, had complimented our town by making his opening speech of the canvass there, I thought it would be a very good send-off and a compliment to the place if Mr. Thayer would make the second speech of his canvass in our town, and that all parties would then have had an opportunity to hear their candidates in the opening of the canvass. Mr. McArthur replied that he could not let the hall, and remarked to me, "You know how our people are." I supposed that by "our people" he meant the owners. He went on to say, "You know how our people are, and they are not of that way of political thought, and do not belong to that political party; if you owned a hall you would not let in the opposition to speak, either." I replied, "Mr. McArthur, on the contrary, I should certainly do that very thing; and if you people are intending to suppress freedom of discussion of political questions our community want to know it." He said, "Well, I think I cannot let you have the hall." I then proceeded to the house of Mrs. Coggshall (her husband, of whom I spoke before as the owner, having since died) and asked for the use of a portion of her grounds and the veranda for the purpose of holding the meeting. This she very cordially granted. I then sent to Mr. Terrence Kennedy instructions to distribute documents, he being the only man for that purpose on whose courage I could confide in the distribution of the documents; and as the occasion was the only one during the campaign upon which Mr. Thayer would be likely to have an opportunity to speak in the town, it was important that

proper notice of the meeting should be given. The notices were accordingly distributed by Mr. Kennedy, and we had our meeting. Upon assembling at the point selected, in front of the house, it was found that the weather was so inclement, being very chilly and cold, that, without opening the meeting, we went from that place to the barn and held the meeting there.

Q. Do you know that this hall was used for public purposes?—A. Yes, sir. I have seen advertisements of dances and theatricals, and all sorts of negro minstrel performances, but I have never attended any of them.

Q. Do you vote at the poll at which the people of the Manchaug corporation vote?—A. Sutton is a town, and Manchaug is a village within that town.

Q. About how many voters are in the employ of the Manchaug corporation?—A. They claim, I cannot say whether truly or not, that they have one hundred.

Q. How many persons do you know are employed there?—A. I could not tell.

Q. Do you know who was the selectman who had charge of the ballot-box at the election of 1878?—A. Yes, sir.

Q. Who was it?—A. John McArthur was chairman of the selectmen in 1878. Robert McArthur was his predecessor as chairman of the board of selectmen for, I think, many years.

Q. Robert McArthur was the superintendent of the Manchaug corporation, the same who denied you the use of the hall, and John McArthur was his brother?—A. Yes, sir.

Q. What is the office of the chairman of the selectmen? Has he charge of the ballot-box so that he can see every voter as he deposits his vote?—A. Yes, sir.

Q. Were the Republican ballots that were deposited on that occasion of large size?—A. Yes, I think they were.

Q. They were easily distinguishable from the Democratic ballots?—A. I cannot say as to that; I should say that they were.

Q. Explain how the voting was done on the day of the State election last fall.—A. It has been usual at all national, State and local elections (the national election occurring on the same day as the State election) for the overseers of the Manchaug establishment and the head men of the employés and others to stand on either side of the poll and have the men to come up in single file, so that as the men carried ballots in their hands they could readily be observed and the fact ascertained as to what ballots they were that the men voted. As we have a law in Massachusetts that enables voters to vote with sealed envelopes, we have tried to have the men vote as they saw fit by means of the use of the sealed envelopes. The corporation also saw fit, last year, as they did in the campaign of 1876, to prepare envelopes already sealed to give to their operatives, and the men have deposited those sealed.

Q. Was there in the election of 1878, at this poll, a narrow passage through which the voters passed in single file, and were persons connected with the corporation present at the poll in such positions that they could see the ballots as deposited?—A. Yes, sir.

Q. Who were those persons?—A. Charles Chase was one, and Mr. Knox the other.

Q. Is Charles Chase connected with the corporation?—A. Charles Chase is the brain-motor of the corporation.



Q. State what position he holds in connection with the corporation.—  
A. Nominally, he is the book-keeper.

Q. Do you know what position Mr. Knox holds?—A. He has been an overseer, and, I believe, was recently turned away.

Q. Was he there in the employ of the corporation in the fall of 1878?—  
A. I understood so; I cannot say it was so from my own knowledge.

Q. Mr. McArthur, then, was inside to receive the ballot?—A. Yes, sir.

Q. Mr. Chase and Mr. Knox were on the outside to supervise the ballot?—A. Yes, sir; that is to say, they were standing, leaning over, here [indicating], where the people were coming in. They might not have been exactly opposite, but the voters would have to pass through here. I had to run that gauntlet myself.

Q. Have you seen any of them interfere with ballots in the hands of voters?—A. I have not seen it, but voters have told me of it.

Q. On the day of the election?—A. It was on the day of the election that they told me.

Q. What did they tell you?—A. I have distinctly in mind a case in which a Frenchman, an operative, who knew me, came to me. As I had introduced the French speaker to that meeting from the veranda, these men took me to be their friend, and they knew me to be one from whom they could get ballots in safety. I inclosed the tickets that I gave them to vote in envelopes and then requested that they should, before going to vote, seal these up. This gentleman came back to me immediately after depositing his ballot, and said that before he had voted he had been accosted by Mr. Chase, who asked him what had he got; that he replied, "I have got the ballot in an envelope;" that Chase then asked, "Who gave it to you?" to which he answered, "A gentleman out here." "Who was he?" "Well, I don't know." Then Chase, handing him an envelope, said to him, "Take that and put it in." He told me that he took the envelope in his hand, finally put it in his pocket by the side of the other envelope which he had, and was very careful to leave that in his pocket when he voted. He brought the one that Chase had given him and showed it to me.

Q. What ticket was that one that Chase had given him?—A. It was the Republican ticket.

Q. Then this man did vote the other ticket?—A. He did vote the other ticket, if he made that statement correctly.

Q. Did he tell you that any threats were made to him at the time by Mr. Chase?—A. He told me of nothing but the command that Chase gave him. He also said to me, "I am a good workman; I can work where I have a mind to. Mr. Chase may turu me away just as quick as he pleases."

Q. Did he say that Chase had said that to jest?—A. No, sir.

Q. What is that at the election place which is termed "a narrow passage"?—A. A row, say, of constables standing on one side, and a row on the other, with a width of space for a man to pass through.

Q. When was this occurrence to which you refer?—A. In the election of 1878.

Q. Was there a distinction in the appearance of the envelope which the Frenchman returned to you from others used there?—A. I did not observe any. There was a report that those envelopes had a private mark upon them. I cannot vouch for that, because I did not hear the report until after that and did not search for it.

Q. Do you know of the control of any of the employés by the employers there?—A. Yes; there is a boast made. They boast that they

can bring up a hundred voters to vote as a unit. I do not say that they do it; that is the boast.

Q. How many of these voters do you know are Democrats?—A. I know from their professions there are many. They have come to me and told me they were Democrats. I should think that a majority were Democrats.

Q. What are their nationalities?—A. French, mostly. Some are English.

By Mr. PLATT :

Q. What is your business?—A. I am a mechanic and farmer.

Q. I presume you are a pretty active Democrat?—A. No, sir; I am an Independent.

Q. You take an active interest in elections, I judge?—A. No, sir; not as a Democrat.

Q. You did in 1878, I conclude?—A. No, sir; not much.

Q. Where is this hall situated with reference to the works of the Manchaug Manufacturing Company?—A. The factory works are on one side and the hall is on the other side.

Q. Is it an independent building?—A. Yes, sir.

Q. There is no manufacturing carried on in that building?—A. No, sir.

Q. The hall is in the building which contains the post-office?—A. Yes, sir.

Q. Where, with reference to the manufacturing works, was the meeting held which Mr. Thayer addressed?—A. I should think it was some eighty or ninety rods, more or less, distant.

Q. Do you remember the name of this Frenchman who gave you a ballot and told you on the day of election that Mr. McArthur had given him a ballot and told him to vote it?—A. I do not remember his name. I was quite busy at the time. I regretted very much that I did not get his name. But the French having such peculiar pronunciation of their names, I probably should not have recollected it had he given it to me.

Q. Does he live there now?—A. I could not tell you.

Q. How many votes does the Manchaug corporation cast in the whole town; in other words, what is the proportion to the whole vote of the manufacturing vote of the mill?—A. About four or five hundred, I judge. That is a mere guess. I ought to know it, but it has increased very much since I have given special attention to that point.

Q. You think that a considerable number of men in that mill are Democrats?—A. Yes, sir; there is no doubt of it at all.

Q. You think that a considerable number vote the Democratic ticket?—A. I think that sometimes they do; that is, when they can. I think they do not do it as freemen.

Q. But they do it?—A. They do it on the sly; they hide around.

Q. Do you think that they mislead the company as to the way they vote?—A. Yes, sir; in some cases I think they do. I do not mean the company, I mean the agents of the company.

Q. May it not be true that that company has kept for years in its employ men whom they knew to be Democrats?—A. It may be true.

Q. Are those who stand there making the gauntlet that you have spoken of the agents and overseers of these people?—A. No, sir; they have constables and selectmen who stand there.

Q. What position does the chairman of the selectmen occupy at the polls?—A. He becomes the moderator.

Q. Do not the selectmen permit any Democrats to stand up in this

row leading to the polls and constituting this gauntlet there which you have to pass; may not Democrats stand there?—A. Yes, they may; men of any party.

Q. And the Democrats who stand there watch all the voters?—A. Undoubtedly they do.

Q. The ballots cast are universally of the size of the one I now show you?—A. No, sir.

Q. At any rate, under the law here, a voter has the privilege to put his ballot into a sealed envelope, if he chooses to do so, and to deposit it in that way?—A. Yes, sir; that is, at local elections it has been done; but it may be declined by the moderator. I do not think the law compels the moderator to receive it in that way except at local elections.

Q. Is it not true, as a rule, that there is a greater proportion of Democrats among the French than of Republicans?—A. I can only speak from my knowledge, and it is the reverse of that.

Q. Do you occupy any position in connection with the Democratic party in Sutton?—A. No, sir; none whatever, and never did.

Q. You are in the habit of making speeches?—A. I sometimes make a few remarks.

Q. You exercise your privilege of trying to influence voters by argument?—A. Yes, sir.

Q. Who is it that makes this boast that they can cast one hundred votes as a unit?—A. Mr. Chase.

Q. Have you heard him make that boast?—A. He has sent word to me that they could do it and were going to.

Q. When was that?—A. Repeatedly.

Q. Was it in the election of 1878?—A. I could not say.

Q. Did he make that boast in the Butler campaign?—A. I could not say, but it has been repeatedly done.

Q. He sent word to you?—A. Yes, sir.

Q. Do you know why he sent word to you?—A. Not particularly. He is a pretty jolly sort of a man, and likes to carry considerable influence by making it appear that the thing is going to be large in that direction.

Q. Did the conduct of the war come up to the high-sounding declaration of the manifesto?—A. I think not.

Q. Who was the man by whom he sent you that word?—A. I think by different men.

Q. Can you give the name of one of them?—A. I can upon reflection. If it would not make any difference to the committee, I would prefer now not to answer, on account of the effect it might have on that man's interest.

Q. It could not have much effect on the man's interest if Mr. Chase made him the agent to convey that boast to you? The man would not have any accountability except so far as concerned the mission being fulfilled?—A. No, sir; not so far as concerns the mission being fulfilled, but the naming the men before this body might have some effect upon their interests.

Q. What is the usual majority there?—A. The Republican majority is usually, I should say, seventy-five and sometimes as high as one hundred.

Q. How far is that place from Worcester?—A. Twelve miles. Man-chang is farther.

Q. Who is the principal owner of that establishment?—A. As I understand, it is a joint stock company, with corporate powers, under the

laws of Rhode Island and Massachusetts. The Knights are the larger owners by far.

Q. Who is the president of the corporation ?—A. I could not inform you.

Q. You say you are informed that Mr. Knox left there ?—A. I think he left, or was dismissed some weeks since.

Q. He has been in the habit of voting the Republican ticket ?—A. I think he has.

Q. They dismiss Republicans occasionally there ?—A. O, no doubt.

Q. Is there any way in which you can describe this Frenchman of whom you have spoken, so that we can ascertain who he is ?—A. I do not think I could describe him among so many Frenchmen as there are there, so that you would be able to pick him out.

Q. But you would know him if you saw him ?—A. I think I would, I might not be able to identify him unless he was dressed as he was then. He would probably know me better than I would know him.

Q. Will you, when you get home, endeavor to identify him ?—A. I will, and try to find out his name from parties who, I think, can find his name; because I think his name ought to be preserved. They are changing frequently up there, but I will do that with the greatest pleasure, as I would like to bring him before you.

By Mr. BLAIR :

Q. Do I understand you as wishing to convey the impression that this corporation systematically practiced intimidation and coercion upon their voters ?—A. They endeavor to influence by unfair means, as I believe, the votes of their operatives.

Q. Systematically ?—A. Yes, sir; systematically.

Q. By threatening to deprive them of employment in case they vote the Democratic ticket ?—A. I do not think that.

Q. In what way ?—A. By intimidation.

Q. By intimidation in what ?—A. In danger to their interests.

Q. In danger of what ; give us some definite notion of what it is, if it is not danger of loss of employment ?—A. The danger of loss of employment.

Q. I asked you in the first instance whether it was not their fear of loss of employment ?—A. You said by threatening. You asked whether I considered that they were threatened with loss of employment ; I said I would not swear to that.

Q. What do you mean to say then ?—A. I mean to say by intimations thrown out that it is dangerous to their interests for them to vote as they do.

Q. You know that they are intimations ?—A. Yes, sir.

Q. Do you know a single instance in which they have discharged a man for voting as he pleased ?—A. For canvassing as he pleased.

Q. But for voting as he pleased ?—A. Yes, sir ; in connection with his canvassing.

Q. Give the name of a man who you say they discharged for canvassing and voting as he pleased ?—A. Dennis Kennedy.

Q. When was that ?—A. In the Butler campaign of 1878.

Q. Where is the man ?—A. He is right behind you.

Q. Do you know of any other instance ?—A. Yes, I do.

Q. Can you give another name ?—A. I can.

Q. Give the name of another person who you say has been intimidated in the manner you have described ?—A. I shall decline to give the name until I have time for reflection.

Q. You think of one other, but I understand you you cannot give the name now?—A. Yes, sir; I think of several others.

Q. Can you give any of the names?—A. No, sir; I cannot.

Q. When did this occur?—A. It occurred at different times. It didn't occur in 1878, but some part of it has occurred since, but of course in local elections.

Q. When will you be able to give us the names?—A. I cannot say.

Q. Are you likely to do it at all?—A. I might refresh my memory when I return home and do so.

Q. That is what we would like to have you do, because facts are what we are after, and when you cannot give a fact or a circumstance that is susceptible of explanation, but merely these general statements, no opportunity is offered to reply to or to explain them.—A. I have not made general statements; I have made statements of fact, and when you have pressed me for statements that were not facts I have qualified them.

Q. I have asked you for specific instances. If these parties whom you accuse are thereby accused of crime, they are entitled to come here and explain the facts in self defense. My object is to bring out the facts so that the parties charged may have an opportunity to explain them, and if they cannot, then they will stand convicted. I have pressed the inquiry because you seem to resent my asking you for facts.

The WITNESS. Mr. Chairman, I believe I have made specific statements and have not made general statements.

The CHAIRMAN. You will endeavor to answer the questions of the Senator so far as you may be able to do so. When he asks you a question, answer it categorically, and then if you desire to explain make your explanation.

The WITNESS. Yes, sir. Now I consider that I have been informed of this state of things by operatives. They say that some employer, some overseer—

Mr. BLAIR. I object to the witness proceeding.

The Chairman sustained the objection.

The WITNESS (when about retiring) remarked: If I made the statement that an employé was discharged for voting, I would correct it by saying that it was his children who were discharged from the mill, and that he himself was turned from his house for voting.

By Mr. BLAIR:

Q. That was by Mr. Chase?—A. I could not tell.

Q. It was by what concern?—A. By this same Manchaug corporation.

By Mr. McDONALD:

Q. What do they manufacture?—A. Cotton goods, what is known in the market as "The Fruit of the Loom."

Q. The children of the operative you refer to were employed in the factory as factory operatives?—A. Yes, sir.

By Mr. BLAIR:

Q. I understand you to say that the man himself is here and will testify?—A. I do not know about his testifying. He is here.

JOHN W. LORING sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In Worcester.

Q. Are you a manufacturer?—A. I am a manufacturer and connected with a corporation of which I am general superintendent.

Q. What is the name of it?—A. The Loring and Blake Organ Manufacturing Company.

Q. Were you called upon, last October, by Mr. John D. Washburne, in reference to the action of the employers of labor at a meeting held at Mr. Washburne's office; and, if so, what conversation had you in reference to the subject-matter of that meeting?—A. Mr. Washburne did not call upon me personally; he called at the office and inquired for Mr. Woodford, who has charge of the office, and is the clerk and treasurer. That gentleman being out of town that day, I asked Mr. Washburne if he wanted to see him upon any business of the company. He replied that it was not business of the company; that he was going by, and thought he would step in and see how our men were on Butlerism. I informed him that that was a thing that I did not interest myself about with regard to my men; that I did not hire my men on account of their politics or religious views, or where they visited at night, but that it was the ten hours, nothing more, that I required of them.

Q. What did he say, if anything, as to what he wanted done?—A. That which I have given is the substance of the conversation that I had with him.

Q. Who was Mr. Woodford?—A. He was formerly a Western man, who, two years ago last January, was made clerk and treasurer of the corporation.

Q. What are Mr. Woodford's politics?—A. He is a Republican.

Q. How many men do you employ?—A. We have from sixty to seventy men.

Q. How near to your factory is Mr. Vaill's place?—A. I think from thirty to thirty-five feet.

Q. How many men does Mr. Vaill employ?—A. I should say about the same number that we employ. I do not know the number.

Q. Do you know of any talk between your men and Mr. Vaill's men in regard to intimidation?—A. I have heard the men discussing that question, or the question of politics, between shop and shop, but never heard it to take any interest in it myself, or to discuss the matter at all.

Q. What was the subject-matter of their conversation?—A. The general result of the election; nothing definite that I could state.

Q. Was anything said in regard to what they were required to do on the one side or the other, or as to whether they were perfectly free in their action?—A. I could not say that there was.

Q. Was anything said that you heard in those conversations as to whether Mr. Vaill's men were required to vote as their employers desired them?—A. I have heard our men express those views.

Q. In conversation with Mr. Vaill's men?—A. Not in conversation with Mr. Vaill's men.

Q. At another time?—A. At another time. I cannot say that I have ever heard Mr. Vaill's men and our own men discuss the thing as a body of men. A Mr. Barrett runs the engine for Mr. Vaill—we take our power that runs the shop a great deal from Mr. Vaill's—and I have heard what you might call "blackguarding" backwards and forwards, but nothing that I committed to memory at all.

Q. Did you ever hear any of those men of Mr. Vaill's say they were going to vote for Butler?—A. I did not.

By Mr. McDONALD:

Q. Your men were left free of political influence to act as they pleased?

—A. If a man in my employ should vote merely to please me, I would not have any confidence in him; if he had not independence to vote as he saw fit, I should not want him as an employé of mine.

Q. It is understood in your establishment that in the matter of politics every man talks as he pleases and votes as he pleases?—A. Yes, sir.

Q. You say that you took your power from Mr. Vaill's engine?—A. Yes, sir.

Q. Were the men working in Mr. Vaill's establishment on the same footing, in respect to their political rights and their freedom in exercising them, and in expressing their opinions, that your men were?—A. I could not say. I can relate only one instance in which I have heard the men talk——

Mr. Blair objected.

By Mr. McDONALD :

Q. It was well understood that your factory stood upon that footing, was it not?—A. Yes, sir.

Q. What was it that Mr. Washburne said to you when he called in to see Mr. Woodford?—A. When he inquired for Mr. Woodford, in the first place, I told him that Mr. Woodford was out of town, introduced myself, asked him if he had business with the company, and said that if he had, I would attend to it. He said he had no business with the company; that he was merely going by, and had called in to see how our men stood on Butlerism.

Q. How they stood on "Butlerism"?—A. That was the word he used.

Q. He did not seem to have a desire to interrogate the men on that subject, but to see Mr. Woodford on the subject?—A. His object was to see Mr. Woodford.

Q. Did Mr. Woodford take a pretty active part in politics?—A. He did not.

Q. He was known to be a Republican and an anti-Butler man?—A. He was known to be a Republican and an anti-Butler man.

Q. When he left your establishment, did Mr. Washburne go from there to Mr. Vaill's establishment?—A. I could not say which way he went when he passed out of the office.

By Mr. BLAIR :

Q. The friends of the different candidates were pretty active last autumn, were they not?—A. I think they were.

Q. It was a very sharp, hotly contested campaign, was it not?—A. It was, as far as I know. I did not take an active part myself.

Q. Do you vote?—A. I do.

Q. Are you a Republican?—A. I am a Republican. I voted the Butler ticket last fall, and intend to do so this fall if General Butler is a candidate.

TERRENCE KENNEDY sworn and examined.

By THE CHAIRMAN :

Question. Where do you live?—Answer. In Manchang village.

Q. In whose house were you living in the fall of 1878?—A. I lived in a house belonging to the Manchang Manufacturing Company.

Q. Were any of your family employed by that corporation?—A. Yes, sir.

Q. How many and when ?—A. At that time and for three years previous ; some for a longer and some for a less period. At that time I had three nieces and a son there.

Q. Did your nieces live with you ?—A. Yes, sir ; they boarded with me.

Q. Where was your house ?—A. I lived in what they call the middle row, number 13, in Manchaug village, right in front of the new mill.

Q. Who was the superintendent of the corporation ?—A. Mr. Robert McArthur. He is generally called "agent" of the mill ; there is no superintendent ; he signs his name "Robert McArthur, agent."

Q. Has he a brother John there ?—A. Yes.

Q. What is his position ?—A. He is not in any position, but merely takes an account of stock ; that is, if it is cotton or coal he weighs it.

Q. How long did you reside up there ?—A. I left four days after the fall election, when Butler was not elected. I was not to blame for that.

Q. Up to what time were your nieces and son employed by the Manchaug corporation ?—A. The day that Mr. Thayer, Mr. Mellen, and Mr. Waters applied for the hall, I was at work until night, when I came home.

Q. You were not working for the corporation ?—A. I was not working for the corporation, but I was active in the campaign. I distributed all the campaign documents to everybody. I was one of the signers of the Butler call and one of the vice-presidents of the Butler club. I contributed two or three dollars to the Butler flag raising, when we were going to have a good time. Mr. Waters, who had asked for the hall, came to my house when I was not at home ; my wife told me of his being there. Immediately after this, a notice came from the mill that I must vacate my tenement within two weeks. I did not take any notice of that at that time.

Q. By whom was it signed ?—A. It was signed by Robert McArthur and by Charles A. Chase, clerk. For two or three days nothing was said, and they sent for me to come to the shop.

Q. Who sent for you ?—A. Mr. Chase. He was in general charge of all the tenements and machines and so on. I went to him ; found him at his house, when he wanted to know whether I was going out of the tenement. It was then about the 10th of October. I said I would like to stop until after town meeting ; that I had taken an active part and would like to vote for General Butler. He said, "You cannot." I replied, "I think I can." He said, "I will have you out in about a week." I asked him, "Have I no rights ?" He answered, "Not a God-damned right." I told him, "There is one right I have got." He asked, "What is that ?" I said, "I have got possession, and I shall hold it until after town meeting, if I can." Finally, I had three notices and three writs to go to Worcester, but went and voted after all.

Q. You staid there until after the election ?—A. I did.

Q. If you had been turned out, would that have lost you your vote ?—A. If I had been turned out I could not have got any place in town, and I could not have gone back to the tenement. Not only that, but the fact was that previous to my getting my notice I had the village in a blaze ; nine-tenths were Democratic, or for Butler, but after they gave me the notice no man would dare say "Butler" in the village.

Q. Did you not make public the fact that you had been notified ?—A. A statement of it was in the Boston Globe. But, as I say, a man did not dare to say "Butler" on the road.

Q. Had your rent been paid up ?—A. Yes, sir. The overseer came



to my son who was employed in the mill and said to him, "I have orders to discharge you; you must not think there is anything between you and I, Thomas; I am obliged to do it. When this blows over you need not be afraid to come back in any place where I am, as far as you and I are concerned. Do not think that this has been any of my business at all."

Q. Did your son get his notice to quit?—A. Yes, sir.

Q. When did he quit?—A. He stopped there a day or two after receiving his notice, and then thought that, as he would have but two weeks to work, he had better leave, and he left.

Q. How was it with your nieces?—A. They were not notified.

Q. By general custom the employés are entitled to two weeks' previous notice of discharge?—A. They do not always get it; sometimes they get it.

Q. When was your son notified?—A. In about four days after I got my first notice.

Q. After this conversation that you had with Chase?—A. Yes, sir.

Q. What effect upon the community politically had this notice to you, turning you out of your tenement?—A. They did not dare say "Butler"; all the votes that we got were secret.

Q. Where did the men who worked under the corporation live?—A. They lived in the village, all around the factories.

Q. Who owns the houses in which they live?—A. The corporation.

Q. Are there some Democrats among them?—A. There are; I think that nine-tenths of them would be Democratic if they dared to be. There is no honest man who is an operative who is not, in my opinion, and who is not a Butler man particularly.

Q. What do you know of the politics of the operatives?—A. I will tell you. Some of them told me that they were indebted at the store, that they had little families, and that they must vote as Mr. Chase told them or go out or be refused provisions in the winter. Those were some who were legal voters. I want the committee to understand that one-third of these voters were illegal voters.

Q. How is that?—A. Mr. Chase makes a list—he is assessor—and they are not obliged to go before the board. It would not make any difference, for they are moving every week. I objected to two of them at the polls last year. I could object to ten who never were naturalized and could not read nor write, but they are brought up and voted like cattle. Teams are harnessed to take them, and they are brought down and brought in the room there, when Mr. Chase tells them the ticket they are to vote, and they vote it. I could mention some who are not citizens of the United States.

Q. State whether or not, so far as you know of it, the borough or town offices are under the control of this corporation.—A. The offices of the town are located in the south of the town, and this Manchaug corporation is the largest and most extensive in that town. The company have the first selectman and the assessor. One of the McArthurs is selectman and Chase is assessor. Chase collects all the taxes, not only the real but the personal taxes. The poll taxes of the men in the mill are taken out of their wages in the counting-room. The men are paid off by having their money put in envelopes every four weeks; and once a year two dollars are taken out of the pay of the head of every family as taxes. Last year it was something extra, the amount being \$2.40, but it is usually two dollars. That is taken from every man whether he is a voter or not. With regard to their carrying voters to the polls, I have seen them carry up boys eighteen years old and make them vote. They

undertook to put my son's name down and make him vote, but I would not let him vote.

Q. What is the fact as to your son?—A. That son was not twenty-one years of age until last March. I have other sons who are voters.

Q. Were they living in the tenement?—A. Yes, sir; they lived with me.

Q. As to the mode of taking the voters from the mills to the polls, how was that?—A. They have two great teams, three-horse teams, that they carry coal on, "boat wagons" they call them; then they have private carriages of their own, and they hire all the private carriages. The overseers ride in the private carriages; and, inside of the coal cart two great benches are laid along with one in the middle, and these are piled full with the men. In that way they come up from Manchaug Village to Sutton Centre, where we vote. When that is over, Mr. Chase tells them to go home, and probably he pays for their rum. We generally calculated that he would give a couple of rounds apiece and pay the bill. He generally pays their liquor bill as they go through Sutton.

Q. These men are taken generally in the wagons of the company?—A. Yes, sir; they are paid their day's wages into the bargain.

Q. Who meets them at the polls?—A. Mr. Chase is there always.

Q. Who is the selectman who receives the ballots?—A. The chairman of the board, who sits in the center. There are three selectmen there. We have a moderator, but he does not preside over the ballot-box.

Q. Who was the first selectman at that time?—A. John McArthur.

Q. Robert McArthur is the superintendent and John McArthur, his brother, is the outside man of the corporation?—A. Yes, sir.

Q. Were men in the corporation known to you to be Butler men among those who were taken there and voted by Mr. Chase?—A. Yes; a great many. But he did not get them all; I think I stole some of them.

Q. You were pretty active? You worked all that you could for Butler?—A. I never saw the man, but I liked him.

Q. Referring still to the last fall election, describe the kind of ballots that went into the box?—A. There were three kinds of tickets, the Republican, the Butler, and what they called "the straight Democratic" ticket; I could tell the difference by seeing them go into the box. The Republican was larger than the Butler and the Democratic; they had two or three kinds, but all the Republican tickets were larger and of heavier paper. They had an open box, and Mr. McArthur, when they were putting them in the box, would take and turn them over and see how the men voted. I objected to it and he stopped it.

By Mr. McDONALD:

Q. You say it was an open box?—A. It was a kind of square box like that one [indicating], and when a man put his ticket in, he [McArthur] wanted to get them head and head together in this way [indicating].

Q. Was there no lid on the box?—A. No, sir.

By Mr. BLAIR:

Q. You say that he stopped when you objected?—A. Yes, sir.

By Mr. McDONALD:

Q. Did you ask Mr. Chase what he had given you that notice to quit for?—A. No, sir; I did not. He told me that it came from headquar-

ters; that, as far as he was concerned, he did not know anything about it, and no one took any responsibility about it.

Q. He told you that you would have to get out of the tenement?—A. He said he would bet me one hundred to five that I would. I told him I had no money to stand, but that I was going to vote in Sutton if it cost me a barn, or something like that.

Q. Your wages were?—A. Taken for my family.

Q. Did he say they wanted you out of there?—A. No.

Q. What did he say?—A. He first notified me to go to Worcester to see the lawyer about it. Within two weeks, they notified me not to appear at Worcester and then again notified me to vacate the house at 10 o'clock on the next morning. I went to Worcester on the next morning. Then they went and leased the house while I was still in it, and he notified me out. But they gave me time by their little mistakes to have a chance to vote. Then I got my place and was ready to move.

Q. Who was this man to whom they leased the tenement?—A. His name is James Seymour. He was a man as to whom I had my doubts whether he was naturalized. I do not think he was naturalized at any time.

Q. State his politics?—A. Republican.

Q. He was a more important man for them than you were?—A. Well, I voted for Phillips the year before. I am not a strong party man.

Q. But when you voted you wanted to vote for whom you pleased?—A. Yes, every time.

Q. You did not want somebody else to vote you?—A. I don't think they have any right to.

Q. You have described how those men were brought up from the factory to the polls, and you say that Mr. Chase gave them tickets?—A. He generally attended to it, but he had assistants—Seymour or myself.

Q. Were the votes that he gave them generally in envelopes?—A. Not always.

Q. Were envelopes given out to the men in the factory there?—A. I had a good many men giving them out, and the Republicans gave out some envelopes.

Q. Did you give them to men in the factory?—A. Yes, on the sly.

Q. Did you notice anything peculiar in Chase's envelopes?—A. I could not tell you about that. I saw him take envelopes out of a man's hand and stand and argue with him half an hour, and put another in his hand. I was standing at the entrance, and I told him—well, no matter; it has nothing to do with this case.

By Mr. PLATT:

Q. Who was this who, you say, you saw take envelopes out of a man's hand and argue with him half an hour?—A. Charles Chase.

Q. When was that?—A. On the 7th day of last November.

Q. Who was the man out of whose hand the envelope was taken?—A. Charles A. Smith. I think there is an "A" to it.

Q. Did you take a little part in the argument yourself?—A. Not at that time.

Q. After Chase got through?—A. When he got to me the man had got through voting. I was on the extreme end like this, and he was on that end. The ballot-box was as far away as that door.

Q. Which was nearer to the ballot-box, you or the man?—A. He was on the entrance, in that way [indicating].

Q. He was at the entrance and you were at the exit?—A. Exactly.

Q. What was your business in Manchaug? You did not work for the company?—A. I did a spell of work for the company.

Q. At the time your family occupied the house?—A. I am a mason by trade. At this time I was building a cistern in old Douglass Town for a man who used to occupy the post-office.

Q. What majority had Talbot there?—A. Fifty-seven majority in our town over Butler, and I think forty-five over Butler and Abbott. He had two hundred and twenty-seven; Butler had one hundred and seventy, or something like that.

Q. What was the result in 1877?—A. In 1877 the town was Democratic.

Q. I am not talking of the town election, but of the governor's election the year before?—A. I was there, but do not remember.

Q. You did all that you could for Butler?—A. Yes, sir. I objected to some illegal voting. I knew how it was carried on, and I objected to one illegal vote; and he said that he would back him up in spite of me or any other damned man.

Q. What was the situation relatively of Douglass and Manchaug?—A. Douglass is not in the town of Sutton, but in the next town. Manchaug is right on the verge of the town of Sutton.

Q. Did your duties extend over to Sutton?—A. I lived in Sutton, and took all the active part I could in circulating campaign matter. I took the documents to every house, and worked night and day.

Q. You took the documents to every house without reference to whether the occupants were Republicans or Democrats?—A. Yes, sir; I did.

Q. And Butler's speeches?—A. And Butler's speeches on finance, and everything else. I worked hard; there is no question about that.

Q. Did you get the feeling considerably wrought up?—A. Not very bad. I did not want to hurt any man in the corporation, but I did want our side to win.

Q. It was just at the time of which you have spoken in reference to this Mr. Waters coming to see you that you got your notice?—A. It was in the evening of the same afternoon in which Waters came and that I got the notice about Mr. Thayer coming. I think it was upon a Saturday night that we had the meeting.

Q. You got it, then, between the time that Waters came to see you and the time of the meeting?—A. Yes, sir.

Q. How long before that meeting did you get your notice?—A. I was not at home when Waters came, but my wife told me that he had come in the afternoon. I got the notice through the mail, at supper time, that evening.

Q. So that, according to that, the notice must have been given to you before Waters came to see you?—A. It was dated that day. There are two mails a day, one at 2 o'clock, and one at half-past seven.

Q. Do you think they had found out at the mill that Mr. Waters had been to your house inquiring for you, and that they had given you the notice on that account?—A. They knew a few days before that that I was very active. One of the overseers of the waif shop and I were talking politics, and he said he would not have a man in the village who would talk as I did on politics. But, then, he did not say that he was going to use his influence to hurt me.

Q. Give his name.—A. I cannot think of it.

Q. Mr. Chase, to whom you talked about it, never intimated to you that it was because you were a Democrat that he wanted you out?—A. No, sir. I told him very plainly, "Let me stay in until after the elec-

tion, and I will owe you nothing." He replied, "You shall go. I bet, by God, you go out, one hundred dollars to one."

Q. You and he had pretty warm words?—A. No; I had not.

Q. Did you talk back to him as he did to you?—A. No; I did not.

Q. Chase has never said that it was on account of your politics?—A. No, sir; he has not.

Q. Nor Mr. McArthur has not said so; he did not at the time?—A. No, sir. I have not spoken to Mr. McArthur within two years—not since the Tilden campaign.

Q. Do you mean to say that if you had gone out of that house you would have lost your vote?—A. I do not see how I could have got it if I had. How was I to get my vote?

Q. Where did you go when you did move?—A. I moved to Meriden, Connecticut, where I got employment. I did not see where I could go there, near Manchaug, without being blackballed, so I got into another State, out of the reach of the company.

Q. You think that before you got that notice nine-tenths of the village were Butler men?—A. So they were, in their talk.

Q. And the fact that you got that notice converted them?—A. It did not convert them, but it bulldozed them; it did me.

Q. So you think that by bulldozing Talbot got forty-five majority. Do you think that that did it all?—A. It certainly bulldozed me, though it did not interfere with my voting. One man told me he was obliged to vote that way because he had no place to go to.

Q. A man did not dare to say anything about Butler after that?—A. I am for Butler all the time.

Q. But you attributed all this to the fact that you had got a notice to get out?—A. I do not know. I do not think I should have been noticed if it had not been for that.

Q. You really think so?—A. This that I speak of was the village, the eastern part of the town.

Q. Of those who work for this Manchaug Company, how many men voted?—A. They ought to vote forty, but they carry up about one hundred.

Q. There were five hundred and forty votes?—A. We polled all the votes the last time.

Q. There were about five hundred and forty in round numbers?—A. I do not know.

Q. I understand you to say that they carry up from forty-five to a hundred?—A. I do not know; they might carry up that many.

Q. You want to answer questions fairly, do you not?—A. Well, if possible.

Q. You said they carried up from forty-five to one hundred?—A. I did not say so; you misunderstood me. There are four hundred looms in the great mill, or about that, and—

Q. You had five hundred and forty votes in Manchaug?—A. Not in Manchaug; in the town of Sutton.

Q. How many of those came from the Manchaug mill?—A. Probably one hundred and probably not.

Q. How many of those do you think were Republicans?—A. I think not more than ten in a hundred. They have to vote Republican or quit.

Q. Do you mean to say that nine-tenths of the voters in Sutton were for Butler, and got tremendously scared?—A. I did not say in Sutton, but in the village of Manchaug.

Q. Then it was simply this village of Manchaug that you got into this blaze?—A. Certainly.

Q. Did they get frightened out of their senses, and was that the reason they did not vote for Butler?—A. The most of them got scared. I was the most active in the campaign, but the notice didn't scare me at all.

Q. When was your son discharged?—A. About four days after I was noticed.

Q. That is after you had this talk with Chase that day?—A. Yes, sir.

Q. And Chase told him that when it blew over to come back?—A. No; the overseer said he might come back; that he might not be ashamed to work for him.

Q. Did you not say, when you were telling the story before, that he told him he need not be ashamed?—A. Yes, sir.

Q. What man told you that he had to vote as Chase said he should?—A. Charles Bell, a Frenchman—that is the English of it—I do not know what his other name is. He lived in the second house from mine. Joseph Gear, junior. In fact there are a number of them, but I cannot repeat the names.

Q. Can you give the names of any of the others who told you that?—A. I do not know that I can; but I can give you seven or eight names of those who voted who had no right to vote.

Q. Let us have those.—A. Joseph Seymour, Joe Gear, sr., Joe Gear, jr.; then there is this Bell; he is compelled to vote, and has no legal right to vote.

Q. Is there anybody else whose name you can give?—A. I know them, but cannot give their names; in fact, the most of them are French, and, according to law, they cannot any of them vote.

Q. What was it that Chase did in regard to trying to get your son to vote before he was of age?—A. He put his name on the list. Mr. Chase wishes to carry the spring election particularly. Until last fall, he was not particular how we voted for governor. In the spring he wants to be assessor and wants to carry the town.

Mr. McDONALD suggested to the witness to exclude from his statement any reference to the spring election.

Mr. BLAIR. I suggest that it is rather unfair when the witness has gone into all these wholesale accusations about Mr. Chase that we should not inquire into them because they have no reference to a State election.

By Mr. BLAIR:

Q. Was it at a local or town election when he wanted to have your son go and vote?—A. It was.

Q. It was not at a State election?—A. No. He put his name on, and I said he had better not go. In fact, there were a good many boys who did go.

Q. You think that Mr. Chase knew that he was not twenty-one years of age?—A. Yes, sir; he did. He did not pay any tax.

Q. How many men did you steal from Mr. Chase?—A. I will tell you. He was standing at the counter. Before town-meeting day I worked all my might; but that day I never left the counter.

Q. You say you stole some men from him?—A. I got them to go previous to the opening of the polls. I asked them to put the tickets in, and that is all I could depend upon.

Q. Who were your men?—A. All that were in favor of General Butler; they were my men, I guess.

By Mr. McDONALD :

Q. Can you remember the name of the overseer who told you he would not have any man in that village who talked like you ?—A. I think I can refresh my memory among some gentlemen here.

By Mr. BLAIR :

Q. Can you describe the man ?—A. He was a man who lost his eye in the Army. We were both wounded soldiers—he and I.

By Mr. McDONALD :

Q. The overseer talked one way and you the other, and he said they would not have a man in the village who talked as you did ?—A. Yes, sir.

Q. How long was that before you received your notice ?—A. Along in that week, I think. But I did not attribute anything to him, after all.

Q. That was the first warning note, was it not ?—A. I went in and carried documents, and he and I had quite a talk in politics. I did not blame him for talking. I talked, and he said he would not have a man in the village who talked like me. I left the documents, however. I do not know whether they reached him or not.

Q. That same week you got the notice to quit ?—A. It was, to the best of my knowledge, the same week.

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FRANK KENNEDY sworn and examined.

By the CHAIRMAN :

Question. Where do you live ?—Answer. In Willimantic, Connecticut.

Q. Were you at Manchaug during last year ?—A. I was stopping there from about the 1st of September until about the 15th of November.

Q. The gentleman who has just left the stand is your father ?—A. Yes, sir.

Q. What conversation had you with Charles Chase in regard to the subject-matter about which your father has testified ?—A. I never had any conversation directly with Mr. Chase except on election day.

Q. What was that ?—A. At 3 o'clock in the afternoon I was going to drive to Worcester and stop at Millbury to bring the reports as near as we could have the estimates made. I inquired of different ones who, I thought, had means of knowing, by the number of votes polled either way, how they thought the vote was, in order to bring an estimate to Worcester as soon as possible. After I had got the extreme Butler view, I went to Mr. Chase and asked him how he thought the other vote was. I told him there were then more votes polled than had been polled at the previous State election ; that I wanted his views ; then I was going to estimate myself. He told me that he counted upon about ninety from the village, but he thought that about forty of the Frenchmen had gone back on him ; so he thought that in place of carrying the town by about one hundred, they would not carry it by over sixty. That was all the conversation I had with Mr. Chase.

Q. Do you know what the French vote was there ?—A. I was there on the morning of the election and saw most of the Frenchmen as they came up in the teams, and they all had envelopes sealed with the straight Republican ticket.

Q. In what teams were they brought there ?—A. In the Manchaug Company's teams.

Q. Who was at the polls when they came ?—A. Mr. Chase, Mr. Knox, John McArthur, and Robert McArthur.

Q. Were they taken to the polls and voted ?—A. Yes, sir.

Q. Do you know the politics of those men ?—A. I know that a great many of them who got a chance, some thirty, I should think, slipped away from the crowd and changed their ballots for other ballots that I had. They gave me their ballots and I gave them ballots which I had.

Q. Was this done publicly or otherwise ?—A. It was done secretly from Mr. Chase.

Q. Was it done with their own will ?—A. Yes, sir; I had a French speaker to speak to them on the night before the election, and he told them in French that they could obtain ballots from me. I had told him that they had already received their ballots from the company.

Q. Do you know that the ballots that they had when they came there were marked ?—A. I could not find any marks upon them. I was informed that they would be marked.

Q. Had they their ballots before the French speaker spoke to them ?—A. Yes, sir; they received them that morning. I got three the night before the election from workmen in the mills.

Q. How were those tickets distributed among the workmen ?—A. I could not say further than that they told me Mr. Chase had given the tickets to them.

Q. When they came there, about how many of them came in a body ?—A. I should think there were twelve or fourteen in each wagon.

Q. Were you watching these people as they came up ?—A. Yes, sir.

Q. It was pretty sharp work to get their ballots changed, was it not ?—A. Yes, sir.

Q. Was there any difficulty between you and Chase, or between him and any of them ?—A. No, sir.

Q. Did they know that you would be there ?—A. Mr. King told them that I would furnish them their ballots.

Q. Did they seem to seek you ?—A. Yes, sir. I did not know hardly any of them when they came to me.

Q. Did they exchange their ballots with you ?—A. Yes, sir.

Q. When you opened the ballot that they had what was on it; was it the Republican ticket ?—A. It was the Republican ticket.

Q. How did Chase's estimate come out with the facts ?—A. We had about seventeen more votes—the Democratic or Greenback ticket had—than he estimated for.

Q. What do you know, of your own knowledge, from your experience among these men there, whether the operatives in that town are at liberty to vote as they wish or are controlled by their employers ?—A. When I first came there several of the operatives spoke to me, I having time—

By Mr. PLATT:

Q. When was that ?—A. That was about the first of September, when I returned from the West. They spoke to me about making arrangements about raising a flag, as I did not work for the company and cared nothing for the company. They were afraid to take an active part in it, but agreed to contribute toward defraying the expense. I had a list of some twenty-four names of those who contributed, some a dollar and some two dollars, toward hiring the band and paying the expense of a French speaker. After Mr. Waters came with a notice of Mr. Thayer's



and Mr. Mellen's meeting, this notice which followed, from Mr. McArthur to my father, made a change. Those men did not seem to dare to speak to me on the front street there; they would come around after dark and call me out to speak to me; they would pass me on the street without speaking; and they told me, two or three different ones, that it was coming near winter and they did not wish to lose their job, still they wished to vote for Butler.

By the CHAIRMAN:

Q. Was there a manifest change in the behavior of the voters?—A. Yes, sir; decidedly.

By Mr. PLATT:

Q. Were you a voter there?—A. No, sir.

Q. You were there from what time in September?—A. I think it was the second day of September.

Q. Had you ever been a voter in that village?—A. No, sir.

Q. You took quite an interest in politics there for a man who was not a voter?—A. I do not know.

Q. Did you work politically for your own love of it, or because somebody had hired you?—A. Neither.

Q. You worked politically?—A. Yes, sir.

Q. Were you hired?—A. No, sir.

Q. Were you paid for your time?—A. No, sir.

Q. Then you worked because you were interested?—A. Yes, sir.

Q. Did Mr. Chase see these men go and talk with you when they came up at the election place?—A. I think he must have seen some of them.

Q. Mr. Chase was there, saw some of them come up, and they had ballots which he had given them?—A. Yes, sir.

Q. And he saw them go and talk to you?—A. He may have.

Q. If he watched very closely he could not have helped it?—A. He may have, or may not.

Q. He thought that some forty had gone back on them, and that was about the number of those for whom you changed ballots?—A. I changed for some twenty-seven.

Q. Did you ever hear of Chase discharging those men?—A. He had no means of knowing who they were.

Q. I thought you said that when they came up there he watched them?—A. Yes, sir.

Q. He knew the men who were in the mill and saw them go to you?—A. I said if he watched them.

Q. If he saw them coming he must have seen them go to you when they got there?—A. Yes, sir.

Q. Did you ever hear of his discharging those men, or any of the forty, because they went back on him or voted the Butler ticket?—A. I do not think he knew who they were.

Q. Did you ever hear of his discharging any of the Frenchmen who voted the Butler ticket?—A. No, sir.

Q. Where was it that you changed those tickets?—A. Some of them as they came from the mill; some outside there.

Q. There was nobody, then, to receive those men as they came from the mill, take charge of them and march them up to the polls?—A. There was an overseer with every team, I judge.

Q. Yet they were not so watched but that you, in broad daylight, could talk with them and change their votes?—A. I had them come to

me, and had them hand me their envelope right in front of Chase, some of them.

Q. He saw you change the tickets then?—A. He did not see any.

Q. You were not a conjuror?—A. No, sir.

Q. Why did he not see it then?—A. Because we took particular pains not to let him see.

Q. How could you elude his observation if he was watching you?—A. Some men would come to me, turn their backs right up to me, put their hands out, ask for a Butler ticket, and hand me the other while they were watching him.

Q. Did you use any argument to convince them?—A. No, sir; I did not know the men.

Q. But he did in some way get the idea that they had gone back on him, a considerable number of them?—A. Yes, sir.

Q. How do you suppose he got that idea if he did not see you change the vote?—A. I suppose that some of the other voters who suspected some of them told him the others had changed their votes; I do not know.

Q. Did you get that French speaker there?—A. I went with Mr. Waters for him.

Q. Did these Frenchmen talk English?—A. Some of them did, I believe.

Q. Did these men for whom you changed the votes talk English?—A. I think that most of them did.

Q. Who was this French speaker?—A. Dr. King, of Webster, Mass.

Q. Was his audience composed of French?—A. Principally.

Q. Were you there?—A. Yes, sir.

Q. Did he talk in French or not?—A. In French.

Q. How did you know that he told them in French that they could get ballots of you?—A. He told me that he would, and told me afterwards that he did.

Q. Do you know what else he told them?—A. No, sir.

Q. Do you know what arguments he addressed to them to get them to vote for Mr. Butler?—A. No, sir.

Q. Do you know whether, up to that time, they had intended to vote against Mr. Butler?—A. I do not.

Q. Do you know how they voted in the State election in 1877, or the year before that?—A. No, sir; I was not there.

Q. Were you a voter at all anywhere?—A. I am a voter in Connecticut.

Q. Have you been made such since you were there?—A. I had been for four years.

Q. You had been a voter in Connecticut before?—A. Yes, sir; am still.

Q. But had never been a voter in Massachusetts?—A. No, sir.

Q. You had conversed with many of these Frenchmen?—A. Some of them.

Q. Do you know the name of a single Frenchman whose ballot you changed?—A. Yes, sir.

Q. Can you give me the names of some of them?—A. I can give you the name of the single one of whom I have just thought.

Q. What is his name?—A. Joseph Herbert.

Q. Any more?—A. I cannot recall the names. I can think of the men very well. They were mostly strangers to me.

Q. When you gave the ballots to them, were the ballots in sealed envelopes?—A. The envelopes were not sealed.

Q. They were in envelopes ?—A. Yes, sir.

Q. Did they look at them ?—A. Not while I was present.

Q. Did they seal them ?—A. I could not say ; some did and some did not.

Q. And so you know that they took ballots from you and without looking at them went and voted them ?—A. I changed the ballots which they had.

Q. Did you put their ballots in the envelopes which they had ?—A. No, sir.

Q. You had ballots which you gave them and which, so far as you observed, they did not look at but went and voted ?—A. I do not say that.

Q. What do you say ?—A. I changed them with them, and further, they come to me for them. I stood beside Mr. Waters at the door, and so they came for them those men would call me outside and want to change with me. I changed with them, told them they wanted the white [Butler] ballot.

Q. Was not any overseer keeping them in sight ?—A. They were around there. The overseer ? They were not paying much attention to him.

Q. He did not watch them very sharply, if you could do such a thing as that unobserved by him ?—A. I guess they did not think I was handling the ballot, I not being a voter in the town.

By Mr. BLAIR :

Q. You worked very hard in that town, politically ?—A. Yes, sir.

Q. You are not employed at anything ?—A. No, sir.

Q. How long were you there ?—A. From September 2 until November 15.

Q. The most of the ten weeks you spent in that town of Sutton ?—A. Yes, sir.

Q. You are not a voter and had no interest in the result ?—A. No, sir.

Q. You gave that amount of time with no understanding with anybody that you were to be paid for it ?—A. I was there on a vacation.

Q. I say you gave that amount of time with no understanding that you were to be paid for it, and you were not so paid, neither by any agent of the Democratic party nor the Democratic candidate, nor anybody else ?—A. No, sir.

Q. You speak of these envelopes. These men had their ballots in envelopes that had been given them by Mr. Chase, as I understand you ?—A. So I was informed.

Q. And some of those envelopes came into your possession, and you delivered to the voter another envelope with a Democratic ballot in it ?—A. Yes, sir.

Q. Were those envelopes different in appearance ?—A. The envelopes were the same.

Q. How was that arranged ?—A. They were the envelopes furnished by the secretary of state.

Q. The envelope is an official one issued for that purpose ?—A. Yes, sir.

Q. Scarcely any of these Frenchmen could understand our English ?—A. I think that very few of them could read it.

Q. Do you think that scarcely any of them could sufficiently understand our English to comprehend a political speech, or to follow the statistical statements and course of reasoning of a political argument

expressed in the English language?—A. I should think that some of them could.

Q. But not many?—A. Perhaps a few.

Q. Those Frenchmen are from Canada, the most of them?—A. Yes, sir.

Q. They came to work for this same class of manufacturers for whom they had worked?—A. Yes, sir.

Q. These men did not seem to have had any means of learning much about our political affairs, did they?—A. Some of them.

Q. But very few of them. They have not been brought in contact with the manufacturers, but get their living from the business which these manufacturers carry on?—A. Yes, sir.

Q. How do you account for it that they come here and vote in a mass against the very interests and very business from which they derive their own sustenance?—A. We had French citizens there.

Q. You have French citizens there who vote directly contrary to what the men who carry on the business think is so necessary for their prosperity, the prosperity of the country, and of their help?—A. I never accounted for it.

Q. Do you not think it in some measure against their own interest?—A. I do not look at it in that way.

Q. You cannot account for their doing it?—A. I never have tried to.

Mr. BLAIR. I have, but failed.

By Mr. McDONALD :

Q. Is not that which you have just heard from the Senator the way in which the manufacturers talk to their men?—A. I think it is.

Q. The speech that they make is quite the same kind of a speech ; that the men, when working for the manufacturers, should not vote against the interests of the manufacturers?—A. That is not just the way that I heard Mr. Chase talk to them.

Q. Did he put the same idea in different language?—A. Yes, sir ; but rather stronger than that.

Q. The night before the election, you say, this French physician came there and made a speech?—A. It was the Saturday night before the election. The election took place on Tuesday.

Q. And you were at the meeting?—A. Yes, sir.

Q. These men all knew you by sight pretty well? You had a brother who had been working in the establishment, and your father was well known there?—A. Yes, sir ; my partner used to be an overseer there.

Q. This French physician informed them at the meeting that any of them who wanted to vote but did not want to vote the Republican ticket, which had been given out to them by Mr. Chase and those in authority in the establishment, could get their tickets exchanged by calling on you upon the day of the election ; that you would be prepared to exchange tickets with them and give them the ticket that they wanted to vote?—A. Yes, sir.

Q. So that, in pursuance of that information, these men came to you on the day of the election and you exchanged twenty-seven tickets?—A. Yes ; I gave twenty-seven. I received three of the tickets they had upon that Saturday or the day before the election, but I did not receive any Butler tickets until the day of the election, and on that day I gave these three men whose tickets I received their ballots.

Q. Those three gave you before the election day the ones that had been given to them in the envelopes in the factory?—A. Yes, sir.

Q. And you gave out 27 Butler tickets?—A. Yes, sir.

Q. You did not intend that anybody should see you give those tickets to these men ?—A. No, sir.

Q. The purpose was to give them out secretly ?—A. Yes, sir.

Q. So that you took the best means that you could take to carry that out ?—A. Yes, sir.

Q. You say they would come up with their backs to you, hold their hands out, ask you to make the exchange and you would do it, they taking your envelopes and leaving the others ?—A. Yes, sir.

Q. So that you did not intend that Mr. Chase should be able to follow their movements ?—A. I did not.

Q. Was there any difference in the general appearance of the envelopes ?—A. No, sir ; Mr. Waters and I compared them in the morning and found them just the same.

Q. All the tickets that you got from them were Republican tickets and all the tickets that you gave them back were Butler tickets ?—A. Yes, sir.

Q. They had expressed a desire to vote Butler tickets ?—A. Yes, sir ; they came to me. I did not know them.

Q. And you were simply aiding them to carry out their own wishes, which they were otherwise unable to carry out by reason of the influence that was exerted upon them ?—A. Yes, sir.

Q. You had been engaged, before going there, in what business ?—A. In the music business—pianos and organs.

Q. In selling them ?—A. Yes, sir ; and kept a music store.

Q. You were visiting your friends in this place on a vacation, as you say ?—A. Yes, sir.

By Mr. PLATT :

Q. Where was this French speaker's meeting held ?—A. At Mrs. Coggs's. It was out of doors, an open air meeting.

Q. What one, if any, of the Frenchmen working in the mill helped to engineer this change of ballot ?—A. All of them who got the ballot helped.

Q. Was any particular one among the men from the mill in special charge of it ?—A. I think not. The reason that Dr. King told them that I would hand them the ballots was that they were all afraid, any one of them alone was afraid, to take hold of them.

Q. Did you say that you had conversed with these men personally and they had informed you that they wanted to vote for Mr. Butler ?—A. I did not.

Mr. PLATT. I thought that you did not say it, and yet it might be an inference from your answer to Senator McDonald's question that you did.

Q. (By Mr. BLAIR.) Were you born in this country ?—A. Yes, sir.

Adjourned.

BOSTON, AUG. 16, 1879.

TERRENCE KENNEDY recalled.

By Mr. McDONALD :

Question. You stated yesterday that you had been a soldier ?—Answer. Yes, sir ; I served in the Fifty-eighth Massachusetts, in the war of the rebellion.

Q. What time did you go into the service ?—A. I enlisted in 1863, and was discharged in 1865.

Q. Where did you serve ?—A. I served in the Army of the Potomac.

under General Burnside, General Meade, and the last general who commanded, who was, I think, Sparks.

Q. Were you in any battles?—A. Yes, sir.

Q. Give the names of the principal ones.—A. Cold Harbor, Petersburg. I was wounded in 1865, in front of Petersburg.

Q. Where were you wounded?—A. In the hand. (Exhibiting wound.) I am a pensioner.

Q. You draw a pension on account of that wound?—A. Yes, sir.

ALVAN W. PUTNAM sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. In the town of Sutton, Worcester County.

Q. Were you at the November election in 1878?—A. I was. 'It was the State election.

Q. The State and Congressional elections were held at the same time?—A. Yes, sir.

Q. Who were the candidates for Congress?—A. Mr. Rice was the Republican and Mr. Thayer the other candidate.

Q. Describe the condition of the room into which the employés of the mills were brought to vote, the situation of the ballot-box and the process of voting as you saw it.—A. The town meeting was held in the vestry-room under the Congregational Church. At one end of the vestry-room a platform had been raised with a railing around it probably eighteen or twenty feet in length, and there was usually drawn up alongside of that a long settee, and so arranged as to leave a narrow passage-way between the settee and the railing, the officers being stationed at either end of it. That settee is usually filled with lookers-on watching to see the ballots as they are deposited.

Q. Was the ballot-box closed?—A. The ballot-box was open, standing on square tables inside of the railing.

Q. Who was the selectman in charge of the ballot-box?—A. The selectmen usually take charge—the three of them. Mr. John McArthur is the principal of the selectmen.

Q. Is he connected with the Manchaug corporation?—A. He is an employé.

Q. What are his politics?—A. He acts with the Republican party. I could not tell you what his politics are; it would be a question.

Q. What are your politics?—A. I am a prohibitory Republican.

Q. Were you at the election most of the day?—A. Yes, sir.

Q. Did you see what occurred?—A. No, sir; I did not notice anything particularly, that is, in regard to the balloting, but it was the current report—

Q. What was the current report?—A. The current report was that Mr. Chase—

Mr. PLATT. I object to current reports. It seems to me that we ought to limit this somewhere.

By the CHAIRMAN:

Q. From your observation of the manner in which the voting was conducted on that day, what do you know of what occurred—was there or not a free election on the part of the employés of the corporation?—A. I judge that there was not, from what I saw and heard, and what I heard Mr. Chase say himself.

Q. State it.—A. I was sitting beside the Mr. Rice who was the Demo-

cratic candidate for Representative, and who was elected, when Mr. Chase came to him and congratulated him upon his success, that is, in carrying that town. I said to Mr. Chase, "Why, you have come around on to my ground"; Mr. Rice being the man for whom the prohibitionists voted, and Mr. Chase having voted against him the year before, and having this time voted to pay off the organ people as he thought, for defeating the man for whom he voted the year before.

Q. What else did he say about him?—A. I don't recollect anything in particular, and only the common congratulatory remarks in regard to having helped elect him.

Q. What connection did Mr. Chase have with the corporation?—A. Mr. Chase is the clerk, I think, and does its paying. I think he pays off the help.

Q. Do you know anything about this case of Kennedy's?—A. No, sir, only from what Mr. Kennedy has told me from time to time; I have no personal knowledge of it.

Q. Do you know anything of the day of which Mr. Kennedy speaks?—A. Not from any personal knowledge.

Q. You have no personal knowledge of where Kennedy lived?—A. Only from what he has said. He has said that he lived in No. 13 Middle Row.

Q. You knew that he lived in the town?—A. I knew that he lived in Manchaug Village.

Q. Is he there now?—A. No, sir; I understand not.

Q. Who owned the tenement houses in the village of Manchaug?—A. The corporation.

By Mr. PLATT:

Q. What is your occupation?—A. Agriculture, at the present time.

Q. What candidate did you support for governor last year?—A. Dr. Miner, the prohibitory candidate.

Q. Was there a prohibitory candidate for Congress?—A. I think we had; I think it was a Westboro' man; I do not recollect his name now.

Q. Of your own knowledge, do you know of any act of intimidation on the part of the officers of the corporation toward their voters?—A. Not of real intimidation. I know that they usually watch their men; that is, Mr. Chase and some of the overseers of the mill are usually near the polls as some other men who act for them are.

Q. It seems from the testimony of the witness Frank Kennedy, yesterday, that other parties watched them a little better than those men did?—A. Mr. Kennedy knows more in regard to those matters than I do; I lived some five miles from their village; I am near the center, and their village is some five miles from the center.

By the CHAIRMAN:

Q. Did the position of the chairs and settee in the voting room and of the people who were there make a narrow passage through which the voters had to pass up to the polls?—A. No, sir; not until they got up to the platform.

Q. There was then such a narrow passage when they got up to the platform?—A. Yes, sir. This long settee was drawn up, leaving a space about wide enough for men to pass through in single file to vote as their names were checked.

Q. Through that narrow passage?—A. Through that narrow passage. These men were standing watching there.

Q. Usually, did you see the employés of the corporation brought

there?—A. I did not at that time. But they usually came up in large teams.

Q. When?—A. Usually, I think. I cannot state so as to fix dates, but I know they usually came there in that way.

Q. The usual practice was to bring them in large teams?—A. Yes, sir.

Q. Are they, then, brought to the polls and voted *en masse*?—A. I think they usually do not start together; my impression is that sometimes those teams have been obliged to come twice.

Q. Who usually meets them at the polls and takes charge of them?—A. I do not know that any one meets them, but I have frequently seen Mr. Chase and Mr. Knox standing near to where they passed through.

Q. What became usually of the employés after they had voted?—A. I think they are usually soon taken home.

Q. In these same teams in which they had been brought there?—A. Yes, sir.

Q. Are they or not provided with tickets when they come to the polls?—A. I could not say as to that.

By Mr. PLATT:

Q. Have you been familiar with the arrangements for voting in other country towns? I do not know that you would call that place a country town exactly.—A. Yes, sir; it is a country town. I have been in other country towns at elections.

Q. Was there anything unusual about this passage way? Do they not usually put something like a barrier in front of the box so that people have to pass through the passage?—A. I do not recollect anything of the kind; and what is peculiar in our town is a set of men standing on that settee and watching.

Q. Active politicians are pretty apt to stand near the ballot-box in all places?—A. We suppose that the more active a man is in politics the more interest he takes in it, of course.

Q. Active Democrats get up there too; do they not?—A. I presume so, but I have declined voting in two or three instances because I was watched. I did not care so much about voting, or I would have voted.

Q. You do not look like a man who would be easily intimidated. I do not know that it is claimed you were intimidated.—A. No, sir; I was more provoked than intimidated.

By Mr. McDONALD:

Q. Is it usual to vote in an open ballot-box?—A. It is usual in our place.

Q. Is it usual in other places?—A. Not so far as my knowledge extends.

Q. Was there any lid to the ballot-box?—A. No, sir; the ballot-box stands on a table or desk, and the clerk checks the names as the voters come up here. [Indicating.] Then they deposit their ballots in an open box under the eye of the selectman. I speak of a State election.

Q. What is the size of that box?—A. I should think perhaps ten inches in length and seven or eight inches wide.

Q. It is a good deal like voting in an open hat?—A. Yes; it is about as wide as that. It is just on the same principle as would be voting in an open hat.



LEWIS GRIGGS sworn and examined.

By the CHAIRMAN :

Question. Where do you live ?—Answer. In the town of Sutton, the northwest part of the town, county of Worcester.

Q. Were you at the election of 1878 ?—A. I was.

Q. What are your politics ?—A. I generally vote the Republican ticket.

Q. Can you describe the manner of voting at the Manchaug or Sutton polls in November, 1878, and how the employés voted or were voted ?—A. There are no Manchaug polls; the polls are opened in the middle of the town, at the place where we hold town meetings. There is a sort of desk or platform, with the selectmen and the moderator inside and the box outside; the box to receive the votes being outside. When we go up to it we pass something as we would pass through here [illustrating], and go in the opposite direction.

Q. Do you know what was the condition of the room when the employés of the corporation were brought there to vote ?—A. Yes, sir.

Q. Was there not a narrow passage through which they had to go up ?—A. There was.

Q. Who were there looking after their votes ?—A. I think that Mr. Chase was there. I cannot remember positively in regard to the State elections. My observation was more particularly in the local elections.

Q. We do not want anything about local elections ?—A. I can tell you but very little, as I have not anything in particular sufficiently clear in my mind in regard to the State election.

Q. Do you remember anything that occurred in the election of November, 1876 ?—A. No, sir; I cannot particularize.

Q. Or in that of November, 1877 ?—A. I cannot remember at this moment.

Q. What has been the custom of Mr. Chase or Mr. Knox in regard to bringing the employés of the corporation to the polling place and voting them ?—A. Generally Mr. Chase came up there with them. I am not personally acquainted with Mr. Knox.

Q. How were the men brought there ?—A. They were brought in large teams and in large carriages generally, the majority of them.

Q. Were they taken back in the same way ?—A. Yes, sir; generally.

Q. Do you know whether they came with tickets ?—A. Some of them did.

By Mr. PLATT :

Q. How far are the polls from the mill of the Manchaug corporation ?—A. From three to four miles. It may be more than three and may be more than four. I am not quite certain.

By Mr. McDONALD :

Q. Do you know Mr. Terrence Kennedy, the witness, who sits here now ?—A. Yes, sir; he is the gentleman sitting over there who testified yesterday. I know him by having seen him at town meetings. I am very little acquainted with him.

Q. Where did he live last fall ?—A. I think he lived in Manchaug.

Q. Did he live in one of the tenement houses belonging to the Manchaug corporation ?—A. I do not recollect where he lived. I understood he moved last fall or winter, but I do not know at what time.

Q. You knew him to be a resident of Manchaug before that ?—A. Yes, sir; I have seen him at town meeting.

- Q. All of those tenements are owned by the Manchaug Company ?—  
A. Yes, sir ; I understand that they are.  
Q. They own the whole village, the public hall and all ?—A. Yes, sir.

JOHN O. PARKER sworn and examined.

By the CHAIRMAN :

Question. Where do you reside ?—Answer. In Sutton.

Q. Were you at the election in Sutton in November, 1878 ?—A. Yes, sir.

Q. How near to the village of Manchaug do you live ?—A. About three-quarters of a mile from it.

Q. What are your politics ?—A. I always voted the Republican ticket until within a year or two.

Q. What was the practice of the Manchaug corporation last November, with respect to taking their employés to the polls on election-day ?—A. The practice last November and always has been for the corporation to bring them in large teams.

Q. Are they taken back in the same teams usually ?—A. Yes, sir ; usually.

Q. Do they vote in the middle of the day or in the evening ?—A. They usually get there and vote in the morning.

Q. Do they then take them back to work ?—A. They do, when they get through.

Q. Who was at the polls to receive the employés in November last ?—A. Mr. Chase.

Q. Is he connected with the corporation ?—A. He is the bookkeeper there.

Q. Who takes them from the mills to the polls ?—A. The teams of the corporation take them, and they usually hire a team from Douglass.

Q. What have you seen in regard to tickets when they have got to the polls ?—A. I have seen Mr. Chase change their tickets. He generally stands at one side there where there is a small place to go through, and, as they come along, he always has the ballots there, and I have seen him change them, and have seen them get tickets from him and carry them in.

Q. The specific tickets you speak of, did they examine those ?—A. I do not know whether they could or not. Pretty nearly all of those who work there are French, and I do not know whether they could examine them.

Q. Do you know whether those tickets were in envelopes or open ?—A. I have seen Mr. Chase give tickets to them that were open.

Q. Did you see this occur in November, 1878 ?—A. Yes, sir.

Q. Specify an instance and describe how this occurred, if you can.—A. As they passed along he was standing there on this side, and as they would come up to the polls he would stop them, hand them one of the tickets, and say "Here, carry it in." They might have had an envelope or something of that kind. I have seen them have envelopes. I have seen that occur.

Q. Did you or not see Mr. McArthur do the same thing ?—A. No, sir.

Q. What was his position at the time these men came there in November ?—A. John McArthur was one of the selectmen.

Q. Had he charge of the ballot-box ?—A. Yes, sir.

Q. Have you seen or do you know of any acts to influence the votes of the employés on the part of Chase or McArthur, or requests by them that the employés should vote in a particular way ?—A. Not any more

than that I have seen them change the votes; that is, I have seen Mr. Chase do it.

Q. What is usually the behavior of the mill-hands prior to the election? Are they open in the expression of a preference for candidates, or are they rather quiet?—A. They are rather quiet with me.

Q. You could not get much out of them. Did you hear an expression by any voter as to his desire to vote in a way which would not be known?—A. I do not know that I did hear any that day, only that they wanted an envelope to vote in.

Q. You refer to the men who are employed there in the mills?—A. Yes, sir.

Q. What has been the habit there since you have been voting at the polls with reference to control of or interference with the employés by the agent, if you know anything about it?

Mr. PLATT. Not before but since the Presidential election of 1876.

The WITNESS. Chase has always been there and has always taken a part there.

By the CHAIRMAN:

Q. This system, then, of controlling voters, if they have been controlled, has been continuous since the general election of 1876, at general elections?—A. Yes, sir.

Q. Do you know Mr. Kennedy?—A. I am acquainted with the old gentleman and know his boys.

Q. What are his politics?—A. I think he is a Butler man.

Q. Do you know where Terrence Kennedy lived?—A. He lived in Manchaug village.

Q. In whose house?—A. In one of the company's houses.

Q. When was he turned out of that?—A. A little before the election last year, I think. I think he was warned out before the election, but I do not know that he went out before it.

Q. Do you know why he was turned out?—A. I do not.

Q. He was active as a Butler man?—A. Yes, sir.

Q. Was Chase active as a Butler man?—A. No, sir.

Q. For whom was he active?—A. He was a straight Republican.

By Mr. McDONALD:

Q. How long have you known Terrence Kennedy?—A. Perhaps a year and a half or so. I could not tell exactly. I got acquainted with his family when they moved in there.

Q. Had he a son working in this factory?—A. He had a son, Thomas Kennedy, I think, was his name, working there before he came there. I know the other sons apart, but do not know them personally.

Q. He is a quiet, peaceable citizen, and has always borne a reputation for quietness?—A. He has; so far as I know of.

Q. He always had quiet about his house, and no disturbance, or anything of that kind?—A. No, sir.

Q. He was a wounded soldier, was he not?—A. He was a soldier. I did not know him when he was in the Army, but I know he was known as a wounded soldier. I am more acquainted with his family than I am with him.

Q. Have you seen the wound in his hand?—A. Yes, sir.

Q. You say that Mr. Chase has taken tickets out of the hands of the mill operatives as they came up to vote, and given them other tickets?—A. Yes, sir.

Q. At the last election did you see him do that?—A. Yes, sir; at the election last fall; the one a year ago.

Q. Were the tickets he took out of their hands open or in envelopes ?—  
A. They were in envelopes. I think there were some of both. I staid there a little while, and saw it done.

Q. When he took the tickets out of their hands, what did he say to them ?—A. He said, "Here, you just carry that in."

Q. He was a little suspicious that the tickets they had were not right ?—A. I do not know. I could not say as to that.

Q. Do you know anything about their receiving tickets at the mill, before they started ?—A. No, sir.

Q. How far do you say you live from this village of Manchaug ?—  
A. About three-quarters of a mile.

Q. What is your occupation ?—A. I am a peddler.

Q. Does that village of Manchaug belong to the manufacturing company ?—A. I suppose it does.

Q. The whole concern ?—A. I suppose so.

Q. The town house, the church, and the tenement houses—they own the whole thing ?—A. Yes, sir.

Q. It is a village that has been built up in connection with the manufacturing establishment at Manchaug ?—A. The most of it; a few houses have been built within a year or two, which the company do not own.

Q. Did you see whether or not the men voted the tickets that Chase put into their hands as they were passing up ?—A. Yes, sir; I saw them vote them.

Q. He stood where he could see whether they did vote them or not ?—  
A. Yes; he could not help seeing it.

Q. How near to the polls was he when they put the tickets in ?—  
A. O, right close.

Q. Was there any chance for them to change their ballots, if they wanted to do so ?—A. Possibly they might have.

Q. You did not see them make any effort to change them ?—A. No; none that I know of.

Q. Could they have changed their tickets without Chase seeing them do it ?—A. I think so.

By Mr. PLATT:

Q. You have stated that, until within the last two or three years, you generally acted with the Republicans. With whom have you acted in the last two or three years ?—A. I have not voted all the time.

Q. Did you vote in 1878 ?—A. Yes, sir.

Q. For whom whom did you vote for governor in 1878 ?—A. I voted the Democratic ticket, I guess.

Q. For Abbott ?—A. Yes; for Abbott.

Q. Have you been in consultation with any one in this city as to what you were to testify to here ?—A. No, sir.

Q. Have you told no one ?—A. No, sir.

Q. Has not your testimony been taken down; that is, what you would testify to here ?—A. Perhaps so; a man talked to me a little about it.

Q. What man was he ?—A. I do not know him.

Q. Point him out if you can.—A. (Indicating the stenographer.) This is the gentleman, here, I guess.

Q. That is the reporter.—A. No; there is the gentleman, over there.

Q. Mr. McDavitt, do you mean ?—A. Yes, sir.

Q. These Manchaug voters live some three miles away from the polls ?—A. Yes, sir.

Q. It is rather inconvenient for them to walk that distance?—A. Yes, sir; it rather necessitates some riding.

Q. You saw voters brought to the polls and saw Chase there to receive them. Did you see any man named Kennedy there to receive them?—A. I do not recollect.

Q. You say that Chase changed one or two tickets. Did you see a young man by the name of Kennedy change twenty-seven tickets?—A. No, sir.

By Mr. McDONALD:

Q. Chase changed the tickets of the men without any request of the men to that effect, did he not?—A. Yes; as they came up.

Q. Chase took the tickets out of their hands?—A. Well, they were changed. I saw them changed.

Q. They made no request of him as they passed up?—A. No.

Q. He just took their tickets out of their hands and handed them others?—A. He handed them the tickets and said, "Just carry this in." I did not see him take any away from them.

By the CHAIRMAN:

Q. Do you know of any voters voting at those polls who do not live so far away from the polls as three miles who are brought there in the company's teams?—A. O, some of them walk there.

Q. You know of any other establishment that carries its help up in wagons to vote there?—A. I do not know of any.

Q. The people from that town come up individually except those of this corporation?—A. Yes, sir.

Q. These men are brought up there in the morning in the wagons, Chase is at the polls, they are put in the wagons again, and taken back to work?—A. Yes, sir.

Q. That is not the case with any other establishment in the town?—A. I never noticed any other. They are close by me.

Q. The farmers usually walk to the polls in the afternoon?—A. The most of the farmers have teams and ride.

By Mr. McDONALD:

Q. Since you came to the city, Mr. McDevitt asked you what you knew about the voting at the Manchaug polls last fall?—A. It was something to that effect.

Q. It was this morning just before you were called?—A. Yes, sir.

Q. So that it might be seen whether it was worth while to call you?—A. I suppose so.

By Mr. PLATT:

Q. Do not the Democrats furnish teams to bring voters to the polls in that town?—A. I do not know that they do unless they take a brother Democrat in with them and carry him. I generally take my neighbors, carry them, and let them vote which way they please. I have a big wagon and generally carry up men of either party.

Q. Is there any manufacturing establishment in that town other than that of the Manchaug corporation?—A. There is the Wilkersonville, but it is not very large.

Q. How many voters would they have in that establishment there?—A. I could not tell.

Q. How far off from the polls is it?—A. About two or three miles, I think.

Q. How do the voters from that establishment go up to the polls?—A. They come up in teams, some of them, and some afoot.

LEANDER PUTNAM sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. In Sutton.

Q. How near to Manchaug?—A. One mile.

Q. Were you at the election last November?—A. I do not remember whether I was or not; I think I was not.

Q. What do you know about the employés of the Manchaug corporation being voted by the agents or superintendents or any of them?—A. As to those that I know of, Mr. Chase has been there at the polls when I have been in, and has passed votes to them. He never passed any votes to me, nor gave me any.

Q. You saw Mr. Chase there passing votes to them?—A. Yes, sir.

Q. Did they come in wagons?—A. Yes, sir.

Q. Did they go back in the same way?—A. Yes, sir.

Q. When did you last see this?—A. This last spring, at the last town meeting.

Q. Did you see it in November last?—A. No, sir; I do not think I was there then.

Q. Did you see it in 1876?—A. I do not recollect whether I did or not, because I have missed several elections, but I have seen it when I have been there at our town meeting.

Q. When you have been there have you seen Mr. Chase there doing this in the way you have stated?—A. Yes, sir.

By Mr. PLATT:

Q. I understand that you have missed some of the elections since 1876?—A. I have missed some of them.

By the CHAIRMAN:

Q. You cannot specify which ones?—A. No, sir.

HENRY WHITING sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. In Oxford.

Q. Is that in the town of Sutton?—A. No, sir; it adjoins the town.

Q. What do you know about elections in the town of Sutton since and including the Presidential election of 1877, as to their management and conduct with reference to the employés of the Manchaug corporation?—A. I resided in the town of Sutton in the year 1877; went to the polls and voted in the fall at the State election. My attention was called to the peculiar way they had of managing the voters there. I stepped up to the little railing that they had there to go around and up to the polls, and I saw two men stationed at the entrance where the voters went in. One was a Mr. Chase, the other was a Mr. Knox. I saw that the help of the village (I was acquainted with a great portion of them) came along in a sort of rotation. Mr. Chase was on one side and this Mr. Knox was on the other, and as each man came up they would take hold of the ticket that the man had, and say, "That is right, pass on." Another would come up, and they would say, "That is right, pass on." Another would come up, and they would say, "Hold on, that is not the vote you want to cast." "Why, yes, it is the vote I want to cast." "No, it is not." "Why, certainly, this is my vote." "O, no;" and he got it out of the man's hands, tore it up and threw it on the floor. He

said, "You do not want to vote such a damned vote as that." He then handed the voter another one. The man then remarked, "I don't want to cast this vote." The reply was, "Go right along; that is the vote you want." The man went right along and put it in the box. Mr. Hastings, the constable, stood right opposite, and I stood perhaps four feet from this Mr. Knox.

By Mr. PLATT :

Q. Is it of Mr. Knox or Mr. Chase that you are speaking?—A. Of Mr. Knox. Right opposite to me stood the constable, Mr. Hastings. I called his attention to this. I said, "Do you call that legal voting?" He kind of laughed and shook his head.

By Mr. BLAIR :

Q. I did not hear your last statement.—A. I say that Mr. Hastings stood opposite to me. I could have touched him with my hand by reaching across. There was just room in the passage to pass through and go up to the ballot-box. I called the constable's attention to this way of voting—asked him if he saw this man take the man's ballot, tear it up, and throw it on the floor; and he kind of laughed. It seemed as if he did not want to take any notice of it. Mr. Henry Stockwell stood opposite to him. I asked him, "What right or business have you standing here in the way of voters, and dictating to them?" He replied, "That is none of your business; that is a right we have, and we are going to attend to them." Then I went over and asked Mr. Jason Waters if he thought that that was a legal way to vote in Sutton. He thought it was not. I remarked, "I am ignorant of the law, but I should like to have this thing looked up"; and I went away disgusted with the voting, and went home.

Q. Was this Mr. Hastings connected with the corporation in any way?—A. He was the constable in the town.

Q. Do you know whether he is employed by the Manchug corporation?—A. I think not. He is not employed by them. He was tax collector there.

Q. He is one of the officers who are elected by the town?—A. Yes, sir.

By Mr. McDONALD :

Q. What had Mr. Stockwell to do?—A. He is one of the officials there; I think he is one of the overseers of the poor. He holds some little office in the town.

Q. Is he elected by the town?—A. Yes, sir.

By the CHAIRMAN :

Q. Had you any conversation with Mr. Chase about this matter?—A. I had, several times during the year. He used to come to my place. I kept a hotel.

Q. What did he say about the elections?—A. There was one time when the Republican party felt a little afraid that they could not elect some men they had put up.

Q. (By Mr. BLAIR.) Has this reference to a local or town election?

The CHAIRMAN. My question was not as to what occurred in a town election, but as to what Chase said.

Mr. BLAIR. The witness was going on to speak of some local matter, apparently.

By the CHAIRMAN :

Q. What I wanted to know was what Chase said in regard to the control of the elections ?

The WITNESS. Do you mean about his controlling the vote at elections ?

The CHAIRMAN. Yes, sir.

A. It was about that.

Q. Go on and state what it was.—A. He stated to me at this particular time that he could bet that he would not lose six votes out of the village.

Q. How long was that prior to the fall election of 1878 ?—A. It was—well, six months. It was in the spring of 1878.

Q. (By Mr. McDONALD.) At the time you saw Knox take the tickets out of the hands of these men, tear them up, and give them other tickets, did you say anything to Mr. Chase about that ?—A. No ; I did not speak to him ; he stood a little farther off.

Q. (By Mr. PLATT.) At what election was this ?—A. It was the fall or State election of 1877.

By Mr. McDONALD :

Q. In your conversations with Chase, did you say anything to him about the peculiar manner of controlling the votes there ?—A. Why, certainly ; in the talk there he said, " I will bring up my men to do so and so," and " I can carry it by bringing my men up to do so and so ;" that was the understanding.

Q. That was the way in which he came to say he would make a bet that he would not lose six votes ?—A. Certainly ; I told him he could not control them in this matter ; this was a local matter.

Q. But this declaration had reference to his general control over the ballots of his employés ?

Mr. PLATT. Certainly not ; it was what he could do at that election.

The WITNESS. Certainly not ; this was his general declaration, that he would not lose that many through the year.

By Mr. McDONALD :

Q. How many voters had this corporation at those elections ?—A. From one hundred to one hundred and twenty-five ; I am not positive as to the exact number ; I know I have heard him say he was sure of one hundred votes.

By Mr. BLAIR :

Q. You are a native of Massachusetts ?—A. I am.

Q. You have lived in various parts of the State ?—A. I have lived in Oxford, Webster, Sutton, and Douglass.

Q. You have been a hotel keeper ?—A. I have ; for the last two years.

Q. Your acquaintance is pretty general throughout the State, is it not ?—A. My business has called me through most of the towns.

Q. What was your business before you were a hotel keeper ?—A. I used to deal in meat—a butcher.

Q. You know the State of Massachusetts pretty well ; that is, you have a pretty general acquaintance with the people of the State ?—A. Generally, I have.

Q. This method of conducting the election at Sutton you thought a very peculiar one ?—A. I did.

Q. You never saw anything of that kind in the State ?—A. Not can-



ried to any such extent; I have seen where a few individuals would be influenced by men by the way of being afraid of being turned off by their employers.

Q. But this was really an extraordinary thing?—A. I never before saw such a wholesale business carried on.

Q. There was nothing like it in the State, was there?—A. Yes; in every town, more or less, but not to such an alarming extent. Oh, yes; I do not think there is a town that I know of where I have not known of cases of men being influenced; and they have even told me that they would vote differently if they dared to, but they did not want to lose their jobs. "It is better than to starve," I heard one man say.

Q. The influence that has been thus exercised has been pretty much all by Republicans upon Democrats, has it?—A. It has been, so far as I have any knowledge of politics.

Q. You have extensive knowledge?—A. I have had for the last twenty-five years; it has been Republican influence all that time.

Q. My question was whether this intimidation or exertion of influence in the way you speak of has been pretty much all by Republicans upon Democrats?—A. It has been. I do not know that I ever heard from the other party a threat made.

Q. You never heard of their having done anything wrong whatever in this regard?—A. I do not know but that they have done something wrong.

Q. But you never knew of it?—A. I never knew of it.

Q. In all your traveling throughout the State, the political practice of the Democratic party has seemed to you absolutely perfect, has it not?—A. I could not say that it was.

Q. Have you ever known anything to be done by the Democrats of this State in the way of influencing the votes of others?—A. No, sir.

Q. Never anything of that kind?

The WITNESS. Do you mean to have me answer like this, that I never knew a man to be influenced by the Democrats or bribed?

Mr. BLAIR. In an improper way.

A. I never knew him to be bribed.

Q. Did you ever know a man to be influenced improperly in his vote through Democratic effort in this State?—A. Only by talk.

Q. By improper talk?—A. No. I never heard that it was by improper talk.

Q. Then it is not improper to influence a vote by proper talk?—A. I think not.

Q. Then I ask you again if you have ever known a single thing to be done improperly by the Democratic party of this State in influencing a vote?—A. Not a single case.

Q. Did you ever hear of any such case?—A. I do not know. I might have, but if I did, it was a thing that I did not take any notice of, because it would have been a merely trivial affair.

By Mr. McDONALD:

Q. The Democrats, generally, are not in control of these manufacturing establishments, are they?—A. No, sir.

Q. Those are usually controlled by Republicans?—A. Yes, sir.

Q. The intimidations, the apprehensions, and fears of being turned out, that you speak of, occurred in establishments controlled by Republicans. 'Those are what you have heard of quite frequently?—A. Yes, sir.

Q. You do not know of any manufacturing establishment that comes so near to commanding its entire force as does the one here spoken of?—A. I never saw any wholesale business but in the case of that one.

EDWIN H. HUTCHINSON sworn and examined.

By the CHAIRMAN :

Question. Where do you live?—Answer. In Sutton, Mass.

Q. Have you been a member of the legislature?—A. I was, in 1871.

Q. What are your politics?—A. I am a Republican, but I always mean to vote where I can hit the liquor business the hardest. I never had occasion to vote with the Democratic party in that direction. I voted for Mr. Talbot and for Mr. Rice, but I did not vote the whole Republican ticket last fall; I voted for Talbot because I wanted to kill off Mr. Butler, because I did not want Mr. Butler for governor. I do not know that I shall do it again, however.

Q. Now we have your general surroundings. Tell us how elections are conducted in the town of Sutton, with reference to the corporations there.—A. The most that I can say, gentlemen, is to corroborate the testimony of Mr. Inman and some others. The selectmen and the town clerk, who checks the list, sit at a desk and the officers generally draw up their settee, just making a passage wide enough for a single file to pass through in detail. Here the voters pass through. The clerk sits at one end, and usually Mr. Chase stands at the entrance and sometimes assists the clerk in checking the names. Most of these operatives from Manchaug are, personally and by name, unknown to the citizens of the town; they are transient, coming and going. Mr. Chase sometimes assists the clerk, saying, "This is that man's name," and so on.

Q. Have you seen him in any way interfere with the ballots of the voters?—A. I do not know that personally. I am not a politician.

Q. Was Mr. Chase, at the time you saw him do this, connected with the board having charge of the ballots in any way?—A. No, sir. He is one of the assessors; has been ever since he came into town; he is chairman of the assessors, but has no supervision of the ballot in any way only as he is self-appointed supervisor—his understood capacity in the town.

Q. What is that understood self-appointed capacity?—A. It is to stand near there and if a man wants to vote to give him a ballot.

Q. Have you seen Mr. Knox there?—A. I have seen him around there and have seen him quite active.

Q. Do you know the mode of bringing these voters there from the mills?—A. I know that they usually come up in their company teams, and that the men go back with the teams.

Q. By whom were the men taken charge of at the polls?—A. I do not know that there was any one in particular to take charge of them.

Q. They go to the polls and Mr. Chase is there?—A. Mr. Chase usually stands there ready to help them in anything they need to have done.

Q. Do you remember anything that was said by Chase in reference to the corporation or his actions toward it?—A. I have no personal knowledge in regard to anything that would affect this case at all that you would care to hear. I have heard a great deal, of course, which amounts to a conviction in my mind, and would, too, in yours if you heard it.

Q. A conviction of what?—A. A conviction that he interferes with

the ballots. And it is from what he has said, that is, he has said it to others; of course, he never said it to me. He tells who shall be elected and who shall not be elected, but I suppose he does it by votes. If it was testimony, I should like to repeat what his associate on the board told me that Chase had told him.

By Mr. PLATT:

Q. Who was he?—A. Charles A. Searles. He is living in Millbury, now.

• The CHAIRMAN. That is, perhaps, not admissible.

The WITNESS. I did not suppose it was competent, and that is the reason I did not put it in without your leave.

By Mr. McDONALD:

Q. Mr. Chase is the autocrat of the elections in Manchaug?—A. I think, sir, perhaps that may describe it.

Q. Do you say that that describes him pretty well?—A. I think it would.

Q. You understand and know him to be that?—A. Yes.

By the CHAIRMAN:

Q. Is the business of the town controlled by the corporation?—A. I think so. They intend that—no doubt of it.

Q. Do you know Terrance Kennedy?—A. I know him by sight and by name.

Q. Do you know him to have been living in Manchaug Village?—A. Yes, sir. He made the same statements to me that he has made to you, before he made them to you.

Q. He is a peaceable, quiet, orderly citizen?—A. I never heard anything to the contrary.

Q. Do you know where he was living at and just before the election last fall?—A. I do not.

Q. How far do you live from the village of Manchaug?—A. I live at about the center of the town, four or five miles from the village. I used to be there very often, in the town office which I used to hold. Affairs have changed there a good deal; and I go there very seldom.

Q. You say that the corporation means to control the town. What do you mean by that? Who are the principal officers of the town?—A. The selectmen and assessors. I mean by that that they mean to assess their own taxes on their property.

Q. Who are the assessors?—A. Mr. Chase is "the" assessor. He has two associates. He is the company's bookkeeper and their principal man really.

Q. Do you vote for Mr. Chase for assessor?—A. I think I voted for him once. I guess it was the first time when he came there. I have not voted for him since.

Q. You are friendly with him?—A. Mr. Chase and I are good friends, so far as I know. I have acted with him in a matter of a town history that we have been getting up this year.

By Mr. McDONALD:

Q. You and Mr. Chase do not exactly agree on the matter of temperance?—A. I do not know personally of Mr. Chase's views.

Q. What do you know, from what Mr. Chase has told you, in regard to the taxing of the property of the corporation?—A. I know nothing from what he told me about it.

By Mr. PLATT:

Q. Have you a feeling that the property of that corporation is not sufficiently taxed under the present management?—A. I have that feeling.

Q. Does it not occur to you that that feeling creates a little prejudice in your mind against the corporation?—A. I do not think it amounts to that. I mean to deal fairly. I have always said that I meant that Manchaug should have her full share of the offices and emoluments.

Q. There is really, then, a kind of feeling in the town that, in local affairs, the Manchaug corporation is unduly controlling things?—A. There is a strong feeling to that effect in other portions of the town.

Q. And especially about getting their property in as it ought to be taxed?—A. Yes, sir; there is a good deal of that. The town does not really think that Mr. Chase ought to be an assessor.

By Mr. BLAIR:

Q. Do you think that this case is an exception? Do you know of any other such case?—A. I think it is an exception. I do not know what they do in other towns.

Q. (After discussion upon the exact purport of the last answer.) I will ask you again. Do you know of any case such as this one in the State of Massachusetts?—A. I do not.

Q. Do you mean to be understood as saying that elections are as free and fair in Massachusetts as they are anywhere else?—A. I think they are, and perhaps more so.

Q. You have been as far as Washington?—A. I did go to Washington once.

By Mr. PLATT:

Q. About what amount in value (I do not suppose you can get at it except approximately) has the corporation invested up there? How extensive are their works there?—A. I think their property was appraised at the time they were involved and had some difficulty in settlement at over a million.

Q. It is a large establishment?—A. Yes, sir, very large; they pay taxes, I think, on over \$400,000. I would not give these as exact figures.

Q. I did not suppose that you could. Do you know what the rate list of the town is?—A. I do not.

Q. Or the rate of taxation up there?—A. The rate of taxation last fall was, I think, a little less than nine mills on the dollar.

Q. How long has the corporation, that is, the present company, been there?—A. From three to five years, I think.

Q. Are there other large corporations in the town?—A. There is another cotton company owned by the Slaters; it is in the east part of the town directly opposite.

Q. Is it a large establishment?—A. It is not near so large as this one.

Q. When was that put there?—A. It was put there before I came to the town, I think; that is, it has been growing up.

By Mr. McDONALD:

Q. The Manchaug Company elected as the assessor of that town their bookkeeper, while their manager is the selectman of the town; they manage things there pretty much as they feel like doing, do they not?—A. That is the general impression.

Q. And the complaint, as far as local matters are concerned, is that by electing an assessor of their own they assess their property as they please for taxation?—A. That is one of the principal complaints.

Q. When this property was valued at a million dollars, you say it was when the corporation had some embarrassments?—A. That was before the present owners bought it in; it was placed before an auditor, I think, or some officer who was sworn to make a correct appraisement.

Q. The value was placed at \$400,000; that would be very cheap if the property was worth a million?—A. Yes; if worth a million, I think it would be.

Q. (By Mr. PLATT.) What is your occupation?—A. I am a farmer.

By Mr. BLAIR:

Q. What proportion of the taxes of the town does this corporation pay?—A. I think their tax is now somewhere about \$4,000; they pay a heavy tax, proportionately; I think it has been stated that they pay one-third or nearly one-third of the taxes of the town.

Q. The other corporation also pays a heavy tax?—A. A pretty large one.

Q. How long have you been in the town?—A. Nearly fifty-eight years.

Q. You have always lived there?—A. I always voted there; I have lived out of it quite a little time.

ANDREW J. WATERS sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. In Webster.

Q. Where is Webster?—A. Sixteen miles from Worcester, in Worcester County.

Q. There are corporations there?—A. Yes, sir; the Slater corporation.

Q. What is the name of the town in which the corporation is situated?—A. Webster.

Q. What is the name of the corporation?—A. Slater & Sons, I think. They own other property in other towns, I think.

Q. What is the character of the factory there?—A. They have a woolen factory and a cotton factory.

Q. About how many hands do they employ in that establishment?—A. I cannot say; they have several factories; they employ several hundred, anyhow.

Q. Do you know how many voters they have in all their mills there?—A. I could not answer positively, but the number is quite large. The mills, of which there are several, are quite extensive.

Q. What is the nationality of the operatives who are voters?—A. Irish and French. There are more Irish voters in Webster than there are of French.

Q. Where does the town of Webster vote?—A. In the center of the town.

Q. How far from that point is the woolen factory?—A. About half a mile.

Q. How far distant is the cotton factory?—A. About a mile.

Q. Who is the agent or controlling man of the woolen corporation?—A. Mr. Asher P. Moore, I think.

Q. What official position does he hold with reference to the town of Webster?—A. Last year he was one of the selectmen of the town.

Q. Have the selectmen, as such, anything to do with the ballot-box?—

A. Yes, sir. He had control of it a portion of the election day, at the time when these men—that is, the mill hands—were coming in to vote. They voted at noontime generally.

Q. Between what hours?—A. Between 12 and 2 o'clock.

Q. Was Mr. Moore, the selectman, there in charge of the ballot-box before they came there?—A. No, sir; Mr. Shumway, one of the other selectmen, was there.

Q. Was he there after the hands were done voting?—A. He was there from 12 to 2 o'clock.

Q. What town meeting was this?—A. The town meeting day in the fall of 1878.

Q. By town meeting we understand to be meant the general election day at which candidates for governor and Congress are voted for?—A. That is correct.

Q. How were the men brought there?—A. They were brought there in teams; that is, the greater portion of them, not all. A great many of their voters were brought to the polls in two and four horse teams, and some in single teams.

Q. When the teams arrived with the men from these mills, were any of the agents of the corporation there?—A. Yes, sir.

Q. Who?—A. Mr. Fletcher was one. He is the agent of the cotton mill, in the North Village, or North Webster, as some call it. Mr. Lavaree was another. He was about, I think, with teams, and was at the polls, coming in with the men who were brought in the teams.

Q. When the men came to the polls in these teams, what did these gentlemen, Lavaree and Fletcher do?—A. They would say, "Hurry and get up to vote," or something to that effect. I do not know that those were the exact words, but they were something like, "Go right along and vote." The tickets were in their hands.

Q. Do you know that the men who came there had their tickets when they got out of the wagons?—A. Some of them had them when they got out of the wagons; some of them were handed tickets after they got out.

Q. By whom were tickets handed to them?—A. By these agents, Fletcher and the other.

Q. Do you know what these tickets were?—A. They were Republican tickets.

Q. Could you see them?—A. Yes, sir.

Q. What were the politics of these agents?—A. Republican.

Q. What were the politics of Mr. Moore?—A. Republican.

Q. Was there any attempt to interfere with these men who had tickets, or to change their tickets?—A. No; they all had Republican tickets or had the right ticket, I suppose; and they did not want to interfere with them.

Q. Do you know about the politics of these operatives in the mills?—A. The greater portion are Democrats, or Democrats and "Butler men," as they were called last year.

Q. Did they vote the Democratic ticket?—A. No, sir; a great many of them who said they were Butler men went back and voted the Republican ticket.

Q. Prior to the election day, had you any conversation with these men who voted, as to what their political preference was?—A. With some of them, with quite a number of them, I had; not with all of them.

Q. Those men said they were going to vote how?—A. Some said

they were going to vote for Butler and some of them joined our club, the Butler club, that we had there.

Q. Were any of those men who joined the club and said they were going to vote for Butler in this crowd that was joined at the polls by Fletcher and Lavaree ?—A. Yes, sir ; I think some of them were.

Q. How did they vote ?—A. They voted the Republican ticket.

Q. What was the reason ?—A. Afterwards I talked with some of them and they said to me, "I had to vote so." I could not get much of an answer out of them. They felt ashamed of it. As they talked with me before they expressed themselves that they were going to vote for Butler. The told me afterwards they had to vote the other way, and that was about all they said about it.

Q. Did they express their sentiments freely at any time before the election ?—A. No, sir ; but a good many of them said they had to keep quiet. There were not many of them who expressed their sentiments about voting in my room.

Q. What reason was given for that ?—A. They said they had to keep quiet, that they might lose a job.

Q. How many votes were cast in the town of Webster at the last fall election ?—A. Upwards of eight hundred. There are from seven hundred to nine hundred probably in the town, and at least over seven hundred were cast last fall.

Q. About how many voters are employed in these corporations ?—A. A good many, but it would be almost impossible for me to tell how many. Those of the Slaters are the only factories in the town of Webster. They have several mills, cotton and woolen, and manufacture cambrics.

Q. Were the men brought to the polls between the hours of 12 and 2 ?—A. Yes, sir ; the most of them.

Q. Were they taken back in the wagons in which they had been brought there ?—A. Many of them were.

Q. Were they distributed about the polls or were they taken in a body ?—A. All went up together as a rule. There might have been some back, but as a rule they went up in a body.

By Mr. McDONALD :

Q. You say that Asher T. Moore was one of the selectmen ?—A. Yes, sir.

Q. That is to say, he was one of the persons elected in the town. And a part of his duty as a selectman was to have charge of the polls on the day of the election ?—A. Yes, sir.

Q. Was the voting done in an open or a closed box ?—A. The box is shut, but they open it when a man comes up to vote. The clerk takes his name and then the box is opened, the vote put in, and the box shut. It has a slide for shutting.

Q. They have a cover to "the hat" in which they received votes there ?—A. Yes ; I think that is the way, a handle to the box. I think it is kept shut.

Q. When a voter is about to put his vote in the box the lid or cover is removed ?—A. Yes, sir. The selectmen are up on a platform and we have to reach up a little to get our votes in.

Q. Were most of the votes that were cast there last fall in open ballots or envelopes ?—A. The larger portion were in open ballots, but there was quite a number of the others.

Q. When open, were they distinguishable, so that you could tell what kind of a ticket a man voted ?—A. Sometimes a man would come up with it doubled up, and the selectman would say, "Open that ballot."

Q. And when open, you could tell for whom the party was voting?—  
A. O, we could tell the Democratic or Butler ticket from the other kind.

Q. It is easy to tell the one from the other?—A. Yes, sir; because the Republican ticket had not the likeness upon it.

Q. At what time did the polls open?—A. I think at ten o'clock.

Q. Then at 12 o'clock Mr. Moore took charge of them, and held it until two o'clock?—A. Yes, sir.

Q. During that time the operatives from the Slater mills voted?—A. Yes, sir; they took that time to come and vote.

Q. What position did Moore hold under these companies?—A. He is agent of one of the mills—the woolen mill.

Q. Then at 2 o'clock he gave way to some one else?—A. I would not be positive about that.

Q. You do not remember his being in charge of the box after that time?—A. I do not.

Q. When he had charge of the box, where did he stand?—A. Right over the box. The box stood before him, and he stood right up in front of it.

Q. In approaching the box to cast the ballot, was there any chute or narrow passage-way to pass through?—A. Yes; they had benches along like this [indicating], and a voter had to go away around and take his turn.

Q. And pass right in front of this selectman to put his vote in?—A. Yes, sir.

Q. So that that selectman could see every man who voted, and as to those who voted with open ballots could see for whom they voted?—  
A. Yes, sir.

Q. You say that some envelopes were used?—A. A very few.

Q. Were they used by the mill hands?—A. I think that a few might have been used by the mill hands. We could not get any envelopes until after they had commenced to vote. The selectmen said they would not let us have any until the voting commenced. Then they gave us one or two of what we wanted.

Q. Did other parties have the use of them before that time?—A. They had plenty around. I do not know where they got them.

Q. The envelopes are furnished by the State authorities, and the selectmen have them for distribution?—A. Yes, sir.

Q. They are distributed by the selectmen?—A. I think so.

Q. You could not get them on the day before?—A. No, sir; I went two days before, I think on Saturday, to get them, as there were some parties who wanted to use them; that is, they did not want to vote openly, and said that if they had an envelope they would vote.

Q. They were willing to vote the Butler or Democratic ticket if they could vote it secretly, but were afraid to vote it openly, were they?—A. Yes, sir.

Q. You said you could not tell how many voters there were in these mills. You can approximate the number, can you not?—A. There were a great many persons employed in the mills who were not voters.

Q. About what was the probable number of male persons employed in these Slater mills?—A. There must have been 700 in all, voters and non-voters.

Q. What is your best judgment as to the number of votes that came from those mills out of those 700 persons? Deducting the portion that came from the other population of the town, about how many votes do you suppose were cast by those mills?—A. I should think there might



be about 200 voters in the mills—maybe more; I could not tell positively.

Q. You would call it somewhere along in that neighborhood?—A. I should think it would be about that.

Q. Of those voters in the mills, what proportion would you say, from your intercourse with them—your meeting them at political meetings and at club meetings—were Democrats in sentiment?—A. Nearly all; yes, nearly all of the operatives in the mills were Democrats. Some of the overseers were Republicans.

Q. From that ou up they were all Republicans, were they?—A. Yes, sir.

Q. But of the operatives or employés in the mills, you think a large proportion were Democrats?—A. Yes, I know they were; that is, they told me they were.

Q. How many Democratic votes do you think were actually cast by the operatives in those mills last fall?—A. That I cannot tell.

Q. I know that you cannot get at it accurately, but can you not approximate it?—A. I know that we had twenty or thirty men on our roll who went back on us and admitted afterwards that they had voted the Republican ticket, that is; some of them admitted it. Some would not admit it at all; were ashamed to.

Q. How many altogether of those who were mill hands did you have on your rolls?—A. I could not say.

Q. Taking off these twenty or thirty that you speak of having as voted the Republican ticket, how many more of the mill hands did you probably have on your rolls, as near as you can give it?—A. We might have had a hundred and over, but I could not say. There were some who said they were Butler men, but would not sign the roll because it might get out on them; some of them thought it better not to sign it lest somebody might see the roll and there would be trouble.

Q. From your observation there that day, and from all the facts you have stated to us, did the mill hands in the Slater mills vote freely and of their own accord?—A. No, sir; I should say not.

Q. Their votes, you say, were not according to their own wills?—A. No, sir.

By Mr. PLATT:

Q. Are you a brother of Jason Waters, who testified yesterday?—A. I am.

Q. What is your occupation?—A. A teacher.

Q. How long have you lived in Webster?—A. About seventeen years; that is, voted there; I have not been there all the time.

Q. How long have these Slater mills been there?—A. Some of them a great while. One of them (the cotton mill), I think, was one of the first mills built in the State, one of the first in the country and perhaps the first, except one, in Rhode Island.

Q. Are they owned by Massachusetts capital or the capital of other States?—A. Nelson Slater, one of the firm of the corporation, lives there in Webster.

Q. What are the politics of Webster in State affairs?—A. It has been Democratic, and has been Republican. It went for Gaston.

Q. Is it considered a close town?—A. A pretty close town when there is a fair vote. It went against us last year by about eighty or ninety, I think it was ninety.

Q. You said that some of those operatives were men who said they were going to vote for Butler, and who did not?—A. Yes, sir.

Q. About twenty or thirty altogether?—A. About twenty or thirty altogether; I would not say positively the exact number on our roll.

Q. You say there were twenty or thirty who, as you say, went back on you?—A. Yes, sir.

Q. That is the extent of those who were going to vote for Butler and who did not do it?—A. Oh, no; those were only the men whose names were upon our roll and who had signed in our club.

Q. Were there not many men in the town who were not operatives who said they were going to vote for Butler and did not?—A. I do not know.

Q. If we can judge from the newspapers, the result did not quite justify all the expectations of the Butler men?—A. I do not believe all that they say on either side.

Q. What is the full name of Mr. Shumway?—A. William T. Shumway.

Q. Was he connected with the Slater establishment?—A. I am not positive.

Q. How many of the selectmen were there?—A. Three.

Q. Give their names.—A. James H. Hull.

Q. Give his politics.—A. He was an Abbott Democrat, and opposed to Butler, strong, every time.

Q. What are Shumway's politics?—A. Republican. Mr. Moore was the other selectman.

Q. Then of the three selectmen in Webster one of them, Mr. Moore, is connected with the Slater establishment; the others are not?—A. Yes, sir.

Q. What proportion of the operatives vote an open ballot?—A. It would be impossible for me to tell.

Q. Give an estimate.—A. I should say three-fourths; it may have been more.

Q. By the law of Massachusetts must a man vote either in a sealed envelope or an open ballot?—A. With either at State elections.

Q. But he cannot double his ballot and put it in that way if he is requested to open it, can he?—A. I do not know the law in regard to it.

Q. As you understand the law, he must either vote a sealed envelope or an open ballot?—A. Yes; I think a man has the right to vote a sealed envelope.

Q. Or otherwise to vote an open ballot?—A. Yes, sir.

Q. I do not know how it is in Massachusetts, but I know how it is in other States. Is it provided in Massachusetts that, if a man votes an open ballot or does not vote an envelope, the presiding officer shall examine the ballot and see that it is not doubled?—A. I do not know what the law is in regard to that.

Q. You got a considerable number of the Democrats among the operatives for Butler?—A. Yes, sir; some. They did not all vote the Republican ticket I know, and there were a good many who were for Butler who voted the Republican ticket.

Q. A number of those operatives in the Presidential election and at subsequent elections have voted the Democratic ticket?—A. Nearly all. When I say nearly all, I mean that the majority have voted the Democratic ticket.

Q. You have heard of no man being discharged on that account?—A. There was one man that I know of who was discharged a year or two ago for voting the Democratic ticket.

Q. Did you ever hear of any other being discharged for voting the Democratic ticket?—A. Yes, sir.

Q. Was it last year or since?—A. I think it was in 1878.

Q. Give the names of those men ?—A. One man who was discharged two years ago is here. I cannot think of his name.

Q. How far from the polls do you live ?—A. About forty rods, I guess.

Q. Did the men who you say went back on you vote an open ticket or a sealed ticket ?—A. Some of them voted a sealed ticket and some an open ticket.

Q. What portion of those who you think went back on you voted an open ticket ?—A. I could not tell you. Some of them voted in envelopes.

Q. Some of the men went back on the Republicans, did they not ?—A. I do not know.

Q. You had a pretty active canvass up there ?—A. Yes.

Q. You got or tried to get all that you could on your side ?—A. Certainly. We did not hire any men or tell any men to go and vote so.

Q. You did, as a Massachusetts man says, "your level best ?"—A. I went myself and voted ; yes, sir.

Q. You were one of the officers of the Butler club ?—A. I was elected one of the delegates ; I was not one of the officers, because I had always been a Republican until last fall.

Q. Did not these men who you say went back on you, some of them, vote open tickets ?—A. Some of them did.

JOHN J. LOVE sworn and examined.

By the CHAIRMAN :

Question. Where do you reside ?—Answer. In Webster.

Q. How long have you lived there ?—A. Twelve years.

Q. Do you know anything about the Slater Manufacturing Company there ?—A. Yes, sir.

Q. Who is its agent or controlling man of the woolen-mills ?—A. The controlling man of the whole concern, of the whole three mills, is Captain Amos Bartlett, who is the agent.

Q. Where does he live ?—A. In Webster.

Q. Who has control of the woolen-mill ?—A. Asher T. Moore.

Q. Is Mr. Moore a selectman of the town ?—A. He was last year.

Q. Were you at the fall election of 1878 ?—A. Yes, sir.

Q. Detail the circumstances under which the men were brought there, whether Mr. Moore was in charge of the ballot-box, and when.—A. Mr. Moore was in charge of the ballot-box from noon-time until along after two o'clock. I do not know about the circumstance of how the men were brought there, because I was on the outside, sitting down, and in a position not to see them. I had a check list, checking the voters.

Q. For which party were you acting ?—A. The Butler party.

Q. How did the men from the mills come up, separately or *en masse* ?—A. They came mostly together.

Q. Who was with them ; who gave them tickets, or did you not see that ?—A. No ; I did not see that.

Q. Do you know who of the agents of the mills were there actively working ?—A. I saw "supers" [superintendents] from the three mills.

Q. Who were they ?—A. I saw Mr. Fletcher (I think it was W. W. Fletcher), from the north village, and Mr. Hilton, superintendent of the East village.

Q. These three, Moore, Hilton, and Fletcher are the controlling men of the three mills ?—A. Yes, sir.

Q. What are the politics of these three men?—A. They are all Republicans.

Q. Do you know Mr. Lavaree?—A. Yes, sir.

Q. At which mill was he employed?—A. He is superintendent or agent for the store. They have a large store that belongs to the company, and he runs it.

Q. What are his politics?—A. He is a Republican, as far as I know.

Q. What is his full name?—A. I think his initials are C. K.

Q. Were these gentlemen, the three superintendents, and Mr. Lavaree there in the morning?—A. I could not say.

Q. Did you see them there in the morning?—A. I saw Mr. Moore, as he was on the platform about all day.

Q. Had he charge of the ballot-box between twelve and two o'clock?—A. Yes, sir; he changed off with one of the other selectmen after that time.

Q. Did you see either of the other superintendents there after the mill hands were done voting?—A. I could not say that I did, as I was so busy attending to what I had to attend to that I did not pay much attention to what was going on in the hall.

Q. Do you know of any men who were connected with the Butler or Democratic organization, or any other political organization, who voted the other way? and, if so, describe who they were.—A. Yes, sir; I know one man in particular who belonged to the Butler organization, was a member of the club, had subscribed money to help carry on the campaign, and who, when it came to election day, voted the Republican ticket.

Q. Who was he?—A. He was an operative in the Slater woolen-mill.

Q. Do you know why he so voted?—A. I do not.

Q. Did you distinguish the tickets in the hands of the men when they came up to vote?—A. Yes, sir.

Q. How did the most of the operatives vote?—A. Quite a number of them voted in envelopes.

Q. Those who did not vote in envelopes but voted open tickets, how did they vote?—A. Some of them voted the Republican and some of them the Butler ticket.

Q. How many of those who belonged to and had subscribed to the Butler club voted the Republican ticket, or did not come to the polls, that you know of?—A. We estimated that there were thirty, or between twenty and thirty of them.

Q. Was there any case on the morning of the election in which a man came to you with a sealed envelope in regard to voting; and, if so, what was it?—A. Yes, sir; a young man came to me with a sealed envelope. His name is Thomas Sherlock. He was an operative in one of the mills. He told me that the envelope had been given to him in one of the mills by his overseer either on that morning or the night before, and he really did not want to vote that way.

Q. Was the envelope open or sealed?—A. My impression is that it was sealed. He did not know what kind of a ticket it was, so that the envelope must have been sealed. I took the kind of ticket he wanted, broke open the envelope that he was to vote, put it in that and handed it to him. He seemed even then to be afraid to vote the ticket that I gave him.

Q. Why was he afraid?—A. Because, as he said, he was told to vote the other way.

Q. Who did he say told him to vote the other way?—A. His overseer.

Q. In what mill was he?—A. He was in the cotton-mill, I think.

Q. Did he say for whom his overseer had told him to vote?—A. No, sir.

Q. Did he say against whom his overseer told him to vote?—A. He told him to vote the envelope.

Q. Do you know how he did vote?—A. No, sir; I could not tell which envelope he put in.

Q. Were all the envelopes in which the men put their ballots actually open when the men put them in?—A. I could not say.

Q. Did you notice whether some of them were sealed?—A. Yes; some of them were sealed.

Q. What was the statement of the men who were connected with the club in regard to their political sentiments and their freedom of action?—A. I never talked much with many of them after the elections, but I know they were all earnest Butler men before the election.

Q. What is the proportion of Democrats in the mills to Republicans among the voters?—A. I should think that in the mills the Democrats are in the majority.

By Mr. BLAIR:

Q. In what mill did Thomas Sherlock work?—A. I think it was the woolen-mill.

Q. What is your business?—A. I am a marble and granite dealer.

Q. You did not work in any of the corporations?—A. No, sir.

Q. How long have you lived in the town?—A. Twelve years, almost.

Q. Where did you live before that?—A. In Ireland.

Q. You are a naturalized citizen?—A. Yes, sir.

Q. How long have you lived in Webster?—A. Since the fall of 1872.

Q. What are your politics?—A. At present I am a Greenbacker; I have been a Democrat.

Q. What were your politics last fall?—A. Greenbacker.

Q. You voted for General Butler?—A. Yes, sir.

Q. Previous to that you acted with the Democratic party?—A. Yes, sir.

Q. Do you not consider your party as really the Democratic party of this State now?—A. No, sir.

Q. Was General Butler the Democratic candidate last year?—A. He was so considered.

Q. You were acting with the Democratic party last autumn, were you not?—A. I was acting with them.

Q. You were acting not as a Democrat but as a Greenback Democrat?—A. Yes, sir.

Q. There were two divisions or factions in the Democratic party last year?—A. Yes, sir; in this State.

Q. And the only thing they differed upon was the currency?—A. The only thing they differed upon in this State was General Butler.

Q. Then it was on the Butler question rather than on the Greenback question that you left your party, was it?—A. No, sir.

Q. You support now the wing of the Democracy that is Butler-Greenback?—A. Yes, sir.

Q. I understand you to say you never worked for the corporations.—A. That is so.

Q. What corporations in Webster employ help?—A. The Slater Woolen Company, the Slater Cotton Company, and the Slater Manufacturing Company. They are all owned by one concern or one family.

Q. Taking the three together, how many operatives do they hire?—

A. They hire quite a number; I could not say how many.

Q. About how many; you can make it a little more definite than that, can you not?—A. I should say they employ from twelve to fifteen hundred hands.

Q. Of what nativities are those employés?—A. They are mostly French and Irish.

Q. Which is in the larger proportion, the French or the Irish?—A. They are about evenly divided; I could not say which is the larger.

Q. What as to the political sentiments of the Irish?—A. They are, or have been, Democrats, a large majority of them.

Q. The proportion of those of opposite politics would be one in ten of the Irish, would it not?—A. Not more than that.

Q. Do you think there are more than one in twenty?—A. I do not think there are more than one in twenty.

Q. Do you think there is one in twenty who is really a Republican?—A. Not over that, certainly.

Q. Would you be willing to swear that the proportion is as small as one in one hundred who is a Republican?—A. No; I would not swear to it any way, because I do not know but one or two Irish Republicans in the whole town.

Q. How many Irish voters are there in the whole town?—A. I do not know.

Q. About how many would you judge?—A. I should judge there were almost two hundred.

Q. How many Irish voters are there in these three mills?—A. I could not say.

Q. How many French voters are there in these mills?—A. Very few. There are very few French voters in the town.

Q. Of the French operatives, then, very few are citizens?—A. Very few, comparatively.

Q. Nearly all the foreign vote is Irish, is it not?—A. Yes, sir; and German.

Q. How many German voters are there in the whole town?—A. From forty to fifty, I should think.

Q. Do many of the Germans work for these mills, or for any of these corporations?—A. Yes, sir.

Q. All of them?—A. Not all of them.

Q. Nearly all?—A. A majority of them.

Q. What are the political sentiments of the Germans, as a rule; Democratic also?—A. No; they are about evenly divided, I should say.

Q. About half voted for Butler and the other half for Talbot?—A. I think more than half voted for Talbot.

Q. You speak of this large proportion of Irish being Democrats; why do you say that?—A. Because I judge them to be so.

Q. Of the Irishmen, you say, as I understand you, you would judge that nineteen out of every twenty voted the Democratic ticket?—A. I should think as many as that.

Q. You have lived in the town twelve years?—A. Not in Webster. I have lived in the adjoining town part of the time.

Q. Near by these mills?—A. Right across the river.

Q. So that you have known the political status there for the last twelve years?—A. No; I have not known the political status for that length of time.

Q. How long have you known that?—A. For the last four years.

Q. And during that time, you say this Irish vote was Democratic,

for the reason that it has voted that way, and to your knowledge has so voted. Now the Irish help constitute the great mass of the help in these mills, do they not?—A. No, sir; I think there are more of French help in the mills than of Irish.

Q. But the help who are able to vote are mostly Irish, are they not?—A. Yes, sir.

Q. The French are, perhaps, not naturalized; or, perhaps, are careless, or are minors; how is that?—A. No; they are men who, as a rule, do not take an interest in getting naturalized and do not get naturalized.

Q. They are men who simply come to earn something and go home again to Canada, where they came from?—A. Yes, sir.

Q. As a rule, then, the help vote pretty much as they please, do they not? They all vote one way and against their employers? There cannot be much intimidation there, if during the last four years nineteen-twentieths of the help voted the Democratic ticket and the managers have all been Republicans, as you describe?—A. Yes, they have mostly voted so except last fall.

Q. There was a peculiar state of affairs here last autumn?—A. There was in Webster.

Q. You have read the papers—you look like a man who does; it was so throughout the State, was it not?—A. Yes, sir.

Q. Would you undertake to say that, as a rule, there is a great deal of intimidation of their employés by employers in the State of Massachusetts in regard to the ballot?—A. I should not want to undertake to say it was a rule because it was done for one year.

Q. Very true, and you could hardly say that, after testifying that nineteen out of every twenty of the Irish employés had voted against their employers?—A. I do not say that they voted against their employers.

Q. You have testified that the employers were Republicans, have you not?—A. Yes, sir.

Q. They have voted against them, as a rule. That was so until last autumn. Now what proportion of the Irish vote do you know was for Talbot last autumn?—A. I do not know.

Q. Do you you think that Talbot got one in ten of the Irish vote in your town last fall?—A. He got more than that, I should think; yes, he got more than one in ten.

Q. But the Democratic party was itself divided last autumn, was it not?—A. Yes, sir.

Q. Do you not think that some men may have voted for Talbot last autumn who had formerly been Democrats from a feeling of disgust at the position in which the Democratic party found itself?—A. There were some who thought so.

Q. That might have made this difference in the vote without any compulsion being used after all?—A. It was not enough to make the difference.

Q. You think there must have been a little intimidation, do you?—A. Yes.

Q. Was that demonstrated very largely by the discharge of workmen after the election?—A. Not that I know of.

Q. You do not know much about that?—A. I know nothing of men being discharged.

Q. Do you know of any Irishmen who voted for Abbott?—A. I know of either three or four in the whole town who voted for Abbott.

Q. Will you not explain how it happened that the Irish vote was so

largely for Butler last autumn? Butler is a Republican, is he not?—

A. He was.

Q. Is he not one of the strongest Republicans in the State of Massachusetts to-day?—A. I do not think so.

Q. Do you think General Butler has changed his politics within a few years?—A. Yes, sir.

Q. Wherein?—A. I should think that General Butler was a Greenbacker.

Q. Did not General Butler deliver one of the strongest Greenback speeches in 1868?—A. Yes, sir.

Q. And does he not, or do his friends not, claim that he has been entirely consistent in this Greenback theory within the last ten years?—A. His friends claim that.

Q. You have read his speeches, have you not?—A. Yes, sir.

Q. Then do you not know that he is the father of the Greenback theory in this country?—A. I do not know for a certainty whether he is or not.

Q. You do not claim that General Butler has changed his political sentiments, do you?—A. Yes; I do.

Q. In this Greenback matter? I am afraid you are not read up very thoroughly on this Greenback theory as he gives it to us himself. You do not claim that General Butler is any less a Republican as a Greenbacker than any other Republican?—A. No.

Q. Is not the fact this, that you, or rather the Democratic party, have changed instead of General Butler? In other words, are you not voting for the most stalwart Republican in the whole country now, so far as the currency question is concerned?—A. I do not look upon him as a stalwart Republican; you may.

Q. What is the name of the overseer who gave Sherlock his ticket?—A. I do not know.

Q. Of which mill was he overseer?—A. I think it is the cotton-mill.

Q. Which cotton-mill? Is there more than one?—A. There is one woolen-mill and one cotton-mill, and one that is a print works.

Q. Is this overseer there still?—A. I know all the overseers, but I do not know which of them it was who gave it to him.

Q. You do not know with certainty in which mill Sherlock works?—A. I think it is the cotton-mill.

M. J. McCafferty sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer, In Webster.

Q. What is your business?—A. I am an attorney-at-law.

Q. Do you know anything in reference to a meeting of employers of labor or of manufacturers in Webster in October of last year; and, if so, state it.—A. I was told that there was a meeting of employers for the purpose of political action at Webster. I had made some allusion to the fact during the campaign, and, after its close, I met at the post-office Judge Adin Thayer (who has been a witness here), who told me that they had had a meeting; that Mr. Crompton was at the meeting, and that if he [Crompton] should say that anything wrong was done, he [Thayer] would confess that he had done something wrong. He re-



ferred me to Mr. Crompton, and that was all the conversation there was between us, as I made no further inquiries.

Q. Did you talk with Mr. Crompton about the meeting?—A. No.

Q. Did you talk with any of the other gentlemen who were at the meeting about it?—A. I had a talk with Mr. John D. Washburne (the witness), in which I told him I thought it was an outrage to call employers together and invoke that relation against the employed by way of intimidating the employé in his voting. Mr. Washburne, silently assenting for a minute, replied, "That is a difference of opinion between you and me." That conversation was also after the election, and at my office.

Q. Did you have a conversation with any of the others?—A. I had no conversation that I remember of with any of the others.

Q. What was the fact as to the effect of the action of these employers?—A. It was perceptible in the conduct of many people. When the petition, if I may so call it, or letter, that was circulated, was being generally signed inviting General Butler to be a candidate, there was a very general enthusiasm among the Democracy in favor of his nomination; in fact, it seemed to me that the Democracy had gone off, of their own motion, to make the nomination. I mean, when I say "the Democracy," the mass of the voters of that party. At that time I found many men very enthusiastic and ready to make any sort of legitimate effort for the purpose of making General Butler's nomination a success. After the time at which the intimidation was talked about, many of these people seemed to grow cold. I have been informed that many of them did not vote, and I know of one of them who voted for Judge Abbott—I did not see him vote, but I am so informed—who was quite an enthusiast for General Butler at the opening of the campaign.

Q. Were you counsel for Mr. Terrence Keuenedy in the case of the Manchaug corporation against him?—A. I was.

Q. When was that proceeding commenced?—A. I could not give you the date. I remember there were two proceedings. The first one was brought in the name of the corporation itself without notice and without right. The consequence was that when the return day came, finding that the man had not moved, they brought landlord and tenant process in their own name. They failed to make an appearance, and had an adjudication for costs. I have not the record here, and of course this is not the proper mode of proving the fact.

By Mr. McDONALD:

Q. You may state the termination of that suit.—A. The termination of that suit was judgment against them for costs. I understood from Mr. Bacon (of the firm of Hopkins & Bacon), who acted for them, that, upon their bringing in the writ to have it entered, they found upon examination it was of no use. They then made a lease of their premises to a third party, who gave notice of his lease, when they brought another action, in order to eject Kennedy. I entered an appearance in that case upon the return day, and after stating to Mr. Bacon what I believed the transaction to be, namely, the bulldozing of a man on account of his vote, Mr. Bacon repudiating any sympathy with such a proceeding, I said to him that on a given day he might have judgment without costs for possession. Mr. Bacon agreed to take that judgment. That, of course, allowed the man to remain and vote. He would otherwise have been obliged to remove into Connecticut, and would thereby have lost his vote. To sum it up, the result was that the man was allowed to remain and vote, and whether Mr. Bacon ever took an exe-

cution for possession or not, I do not know. I understand that the man moved immediately afterwards.

Q. There were how many processes?—A. There were two processes, namely, the one brought by the Manchaug Manufacturing Company, and a process brought by the lessee to whom they had given a written lease. Under our statute he had to give reasonable notice and then bring his proceeding, which took seven days, before the return.

Q. Under the first proceeding, if it had been a correct one, the man would have been ejected?—A. If it had been a correct one he would have been ejected before the election and would have had to remove into Connecticut.

By Mr. BLAIR:

Q. Do you speak of your own knowledge?—A. Excuse me. I was simply repeating what the man said to me. Being a lawyer, perhaps I ought to have known better.

By the CHAIRMAN:

Q. Do you know Terrence Kennedy?—A. No, sir. The first time I ever met him was when he came to my office to have me attend to that matter.

Q. Do you know anything about the intimidation by the employers of those who worked for them?—A. Nothing further than what occurred in my own town.

Q. In the town of Webster?—A. Yes; in several towns.

Mr. PLATT. Confine it to your own town.

The WITNESS. I know nothing more than what I have already stated.

By Mr. McDONALD:

Q. You spoke about many persons having been very enthusiastic in the beginning of the canvass in favor of "the Butler movement," as it is called, who, after this manufacturers' meeting, and the impression that went abroad from it, grew cold, and were not any longer active. Of what class were those persons?—A. They were generally operatives.

Q. Persons whose labor was under the influence of mill-owners and manufacturing establishments?—A. Yes. The Washburne & Moen works are very large works and employ a great many people; all males, I think; I do not think they employ any females at all.

Q. After it went abroad that there had been such a meeting held in Worcester, at which the representatives of leading manufacturing establishments were present, what do you say was its effect upon the political feeling of the people?—A. All that I can say is, that it seemed to dampen their ardor and change their conduct.

Q. Did it change their political course?—A. They either lost their political course, or had none; I do not know what course some of them took; but there was a very decided change in feeling among people who had before been ready to do anything for the purpose of making a success of their nomination.

FRANK M. DRAPER sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. I live in the town of East Douglass, Webster County; East Douglass is a manufacturing village.

Q. What kind of manufacturing is carried on there?—A. It is prin.

cipally ax manufacturing; that is the main business. There is a shoddy mill there, but it is a very small one.

Q. Of what class are the employés there?—A. The majority are French Canadians.

Q. About how many men are employed there?—A. Somewhere about three hundred men.

Q. Who is the agent or controlling man at the Douglass Ax Works?—A. The agent is Edwin Moore.

Q. Do you know anything about the conduct of the agent, Mr. Moore, or others of that corporation toward the employés as to freedom of political action on the part of the employés?—A. I cannot say a great deal in regard to the agent; I can say something as to his foreman of the shop.

Q. Who is the foreman?—A. Albert Butler is one.

Q. What did Mr. Butler do?—A. Mr. Butler has had a great deal to do about elections. He was foreman of the clog-shop. He goes about at election time among the help, around with the help in the forge-shop, and finds out or asks them the question, "Which way are you going to vote?" He seems to take some of the men in that way. He will want to know for which man they are going to vote. He has never said anything to me of that kind; but the general impression is that he asks, "Are you going to vote the Democratic ticket," or, "Are you going to vote for Butler?" "Butler" was last year what he went on. He would tell them that it was for their interest to vote the other way; to vote the Republican ticket; to vote for Talbot—that is the general expression with him—and he has influenced them to vote foreign to their own convictions.

Q. Do you know the politics of any of these men who are employed in the forge-shop?—A. They are Republicans and Democrats.

Q. Do you know how they were at the last fall elections?—A. That has been called a Democratic town. It is very close; some twelve or thirteen votes would throw the scale either way.

Q. How was the majority of the employés politically classed last fall? What was their preference?—A. I should think that they were Democratic, the most of them.

Q. What was the conduct of Mr. Butler, the foreman of the shop, and any other employé of the shop, naming him, at the election house, when the employés came to vote?—A. I will state that Mr. Butler and Mr. A. J. Thayer were there. There was something like this [indicating a space] where the voters passed through to vote, with a bench back; and they would place themselves up there and watch—this Mr. Butler would—every man who would come in; that is, these men that he would be working with, you understand. He would watch them at the polls to see how they would vote; would "spot" them, you might say.

Q. From the place where he sat would he face the voters as they came up?—A. He did face the voters. As they came up, they would have to pass under his eyes.

Q. Could he see the ballot which they cast?—A. Yes, he did; and I have seen him, when one of them would vote right, nod his head that that was right.

Q. How far is it from the factory to the polls?—A. It is about a mile and three-quarters.

Q. How were the men brought there, or did they come without being brought?—A. Some of them are carried up in teams, and some of them go afoot.

Q. Was there any special time of day at which they voted?—A. The polls are generally opened at ten or eleven, from that to three o'clock.

Q. Was Mr. Butler, the foreman, there?—A. He is generally on hand.

Q. Was he there last November?—A. He was.

Q. Did you see him in any way interfere with the votes of the employés or do anything in regard to the tickets?—A. I saw nothing in the house, only as he was standing there on that bench watching.

Q. Watching the voters as they came in?—A. Yes, sir.

Q. Were the ballots that were voted sealed or open tickets?—A. They were open tickets. I do not think there were more than one or two sealed ballots; there may have been one; they were open tickets.

Q. About how many votes were polled there in November?—A. I think about 145 Talbot votes, 110 of the Butler votes, and somewhere about twenty-one for Abbott. Those are the figures as near as I can give them.

Q. A majority of fourteen for Talbot at the polls?—A. Yes; there was a majority for him there last fall.

Q. Were these employés permitted a freedom of choice, so far as you saw, or were they controlled in any way by their employers?—A. You asked me in regard to the agent. About the middle of the day, about noon time, when the help came in, the agent stood at the door distributing tickets as these men came in.

Q. Who was that?—A. Mr. Moore.

Q. Is he a Republican?—A. Yes, sir.

Q. What are the politics of Mr. Thayer?—A. Republican.

Q. All three were there on election day?—A. They were there to distribute votes when the men came up there. They shut down the wheels of business, and were there and attended to that business.

Q. Where were they from the time the men came in until they came to the polls?—A. Moore stood down at the door where they came in; Butler and Thayer stood on this bench.

Q. What kind of tickets was Moore distributing?—A. Open ballots with the pictures of Talbot and Long for governor and lieutenant governor.

Q. So far as you saw the employés after they came in, did they vote the open Republican ticket?—A. Some of them voted that and some voted as they chose.

Q. Some voted the other way?—A. Yes; some voted the other way.

Q. Of those who voted the Republican ticket, were there any who were known to you to be Democrats?—A. O, yes; I think that somewhere about twenty of the Democrats voted the Talbot ticket. I don't say they were intimidated, but there were about twenty Democrats in our town who voted the Talbot ticket.

Q. What do you know personally of the fact that Mr. Butler had passed through the shop as foreman and stated it was to their interest so to vote?—A. I could not say anything personally as to Mr. Butler; that is hearsay; but Mr. Moore told those men as they came in it was for their interest, and handed them the ticket. I was distributing Butler tickets at the same time.

Q. Mr. Moore told them it was to their interest?—A. Yes, sir; I heard him say that.

Q. To the employés?—A. Yes, sir.

Q. Had he the power of discharging them?—A. He had the power of hiring them and discharging them.

Q. Do you know that any of the men to whom he told this had in-

tended to vote for Butler?—A. No; I could not say. I was back by the door. I saw him occasionally, and would go around myself.

Q. Did this corporation then, or in 1876, exercise their influence upon their employes from what you saw of what occurred?—A. In 1876, and from that up, they have had more of what you call intimidation and bulldozing than I ever saw before, and I have been at work for the company for twenty-seven years.

Q. Have they ever intimidated you?—A. They have not. They do not say anything to me of that kind; they know me.

Q. What position do you occupy; do you have any control of the men?—A. I have no control of men; I am merely hired.

Q. Have they ever attempted to force you to vote in any way?—A. They never have. No man has ever attempted it by that means.

Q. Has the supervisor or Mr. Moore ever asked you how you would vote?—A. No, sir; they have not. They know well enough without asking me.

Q. You are an independent man and own property?—A. I do, and drive my own team. I do my work and do not consider that any one has any business to meddle with my politics or religion.

By Mr. McDONALD:

Q. You say that when they would give them tickets, Mr. Moore would say to the men that it was to their interest to vote that ticket?—A. I do. I heard him say that. He said, "This is for your interest." That was all I ever heard from Mr. Moore.

Q. Do you know of men whose inclinations politically were the other way who were thus influenced to vote the Republican ticket?—A. Yes, I think there were men there who told me that they were going to vote the Butler ticket who did not dare to vote it. I have reason to believe that they did not dare to vote it.

Q. They were not in an independent condition as you were, and afterwards voted the Republican ticket, as you believe, because they did not dare to vote the Democratic ticket?—A. Yes, sir; they did not dare to vote it.

Q. Did any of the men in the mill tell you that they did not dare to vote as they believed?—A. No; they never told me that in so many words; there are not many who would like to speak right out.

Q. But their conduct was that way?—A. Yes; they gave me reason to believe that. From what they had said before, I knew they always had been up to the mark.

Q. Until this unusual pressure was brought to bear?—A. Yes; it has been unusual in the last few years.

Q. From 1876 down there has been an unusual pressure in that way?—A. Yes; there seemed to be; and in the Tilden campaign they went it pretty hard. That was the hardest that I ever saw, from that out; they started on that.

Q. They started in the Tilden election on this bulldozing, and have kept it up since?—A. Yes; they have kept it up more than I ever noticed before. I know they did it on me.

By Mr. PLATT:

Q. What was your last remark?—A. They did it at that time, I say, when I ran for representative. They used all the influences and pressure they could.

By Mr. McDONALD:

Q. To keep your fellow-operatives from voting for you?—A. Yes, sir.

Some they tried to hire. I have men here now who will testify to that, that they offered them money to vote against me, and to vote for the Republican representative.

By Mr. PLATT :

Q. What is your age ?—A. Forty-five years.

Q. How long have you worked for this company ?—A. I think it is twenty-seven years this very day.

Q. What is the name of the corporation ?—A. The Douglass Axe Company.

Q. How long has Mr. Moore been agent of that company ?—A. Fourteen years, I think it is.

Q. You have been known during that time as an active Democratic politician, have you not ?—A. I began with the Republican party when they first came in, and voted with the Republican party up to 1868. I cast my last vote with the Republican party for General Grant for President. I then became identified with the Labor and Democratic party. I have voted with them since 1868.

Q. In 1868, then, you changed from a Republican to a Labor Democrat ?—A. I joined the Labor party. That was what came out in Massachusetts. The Labor party was organized here. I have belonged to it ever since, and was elected in 1877 a member of the general court.

Q. Yet you have continued to work for the company, and they have never remonstrated with you ?—A. I had no trouble with them whatever.

Q. In 1877 and 1878, did you not take an active interest in politics ?—A. I did.

Q. So that you were at the polls ordinarily ?—A. Yes, sir ; I generally attend every town meeting. I do not think I missed any.

Q. I understood you to say that when Mr. Moore was distributing Talbot tickets at the door, you were distributing Democratic tickets ?—A. Yes, sir.

Q. I do not know whether you call Butler tickets Democratic tickets ?—A. He has been a pretty good Republican.

Q. Moore would give tickets to anybody or everybody who came along ?—A. O, certainly ; he would give to others.

Q. Were others beside Mr. Moore distributing at the door ?—A. I think there were two or three others with him. I think some half a dozen in all were distributing tickets.

Q. Mr. Moore tried to get the men to take the Talbot tickets ?—A. He offered them to these men as they came up.

Q. He offered them to every one who came up ?—A. To everybody ; but mostly he handed them to these men.

Q. And you tried to get the men to take Butler tickets ?—A. Certainly.

Q. When Mr. Moore told them it was for their interest to vote the Talbot tickets, did you tell them it was for their interest to vote the Butler tickets ?—A. I do not think I did.

Q. Vote distributors sometimes get into a good deal of discussion. Did you not talk as loud about it as Moore or any of them ?—A. Of course ; I blowed for Butler.

Q. You tried to keep up your end and Mr. Moore tried to keep up his end ?—A. Certainly.

Q. Now, what is the wicked thing that you call bulldozing that Mr. Moore did there ?—A. I cannot say anything more than that.

Q. Did you try to bulldoze ?—A. I did not try to bulldoze. I told men to vote as they saw fit—"Here is a Butler ticket."

Q. You did not have any Talbot tickets in your hand?—A. No; I didn't peddle Talbot tickets.

Q. You do not call it bulldozing for you to peddle Butler tickets at the door?—A. No; but I look at that as something that I never saw done before. I never saw the agent of the corporation peddling tickets at the door until last fall election.

Q. That is the something that you think is not right—the agent of the corporation peddling tickets?—A. I do not say that if a man is a distributor he has not the right to peddle tickets; but I say it was something I had never saw done before.

Q. But you were working in the corporation twenty-seven years, and, knowing the men, you thought it was perfectly right for you to stand there and peddle Butler tickets?—A. They had put me there before.

Q. Which of you—Mr. Moore or yourself—was better acquainted with the men in the shop?—A. I think I know the politics of the men better than he does.

Q. Your social relations with them are better than Mr. Moore's?—A. Certainly.

Q. Do you think it was a just thing for you, working in that shop twenty-seven years, as you had, and knowing those men as well as you did, to stand there and peddle tickets?—A. They have always put me on to peddle tickets.

Q. For Mr. Moore to do it it was bulldozing?—A. I don't know that he does. I was speaking of Butler mostly.

Q. O, Butler was the bulldozer! Now, what was the wicked thing that Butler did?—A. I say that that was the talk I heard among the help. He never has done anything to me.

Q. Have you ever, of your personal knowledge, known Mr. Butler to do a thing which you really considered improper in the matter of elections?—A. From my personal knowledge?

Q. Yes, sir.—A. I could not from my personal knowledge say that.

Q. You had pretty hot times up here last fall, in the campaign?—A. Yes; hot all around.

Q. It was very excited, and people, probably, went further than they would have been likely to go in an ordinary election. I do not understand you to say that any man who told you that he was going to vote the Butler ticket, told you subsequently that he was going to vote the Talbot ticket because he was afraid to vote for Butler?—A. No; I do not say that they told me; I have only taken it from their actions.

Q. That is simply an inference of yours from their actions; they have not told you so?—A. No; I have not made any such statement as that.

Q. What is Mr. Thayer's relation there?—A. He is a grain dealer.

Q. Connected with the corporation?—A. No, sir.

Q. But Mr. Moore and Mr. Butler did the wicked thing of standing by the ballot-box and watching the voters?—A. I saw them stand right up there.

Q. Did not the Democrats stand up there too?—A. They crowd the Democrats off.

Q. Did these two men crowd the Democrats off?—A. Well, they stand there, they and the others generally.

Q. How do you hold the Douglass Axe Company responsible for the wicked thing that these two men did in standing near the ballot-box and looking at the voters?—A. I don't hold the Douglass Axe Company responsible for it.

Q. Here were these two men, Butler and Thayer, who stood there

and asked men to vote. Thayer did that too, did he?—A. O, he figures with them.

Q. Mr. Thayer does not own any stock in the corporation and does not work there?—A. I could not tell whether he owns stock in the corporation or not.

Q. But because a man stands at the polls and offers tickets to men who want to vote, you call it bulldozing?—A. He offered men money to vote against me.

Q. I am coming to that; he is the man who tried to hire men?—A. Yes, sir, in 1876.

Q. Did Butler do that?—A. No; I do not say that he did.

Q. Did Moore do that?—A. I never heard of Moore doing anything of that.

Q. This wicked grain dealer, then, is the one who must be investigated; what was the name of the man he offered to hire?—A. Frank Putnam.

Q. Is he here?—A. He is here.

Q. What you know about that is what he told you, I suppose?—A. He told me this some two years ago.

Q. When was it?—A. It was in 1876; I was elected at the Presidential election.

Q. That was the time, you understand, that this terrible Thayer tried to buy a man?—A. Yes; he did all he could.

Q. And what you know about it is what Putnam told you?—A. Yes, sir.

Q. And Mr. Putnam is here to tell his own story?—A. Yes, sir.

By Mr. McDONALD:

Q. What did the help tell you about Butler trying to bulldoze them?—

A. They would come and tell this; this I heard, that he would come and tell them that they were working against their interests, and they must vote the Republican ticket, or they must vote the Talbot ticket, insinuating that they would lose their places; that it was against the interests of the company.

Q. Did this kind of advice have any influence upon them?—A. It did; it made some twenty-five or thirty votes difference in the town.

Q. This man Thayer, you say, although not connected with these manufacturing establishments, had some special relations with these agents?—A. Yes, sir.

Q. You are simply an employé there in the factory doing your own work and having no power to employ or discharge men?—A. No; I have no men that I discharge; I stand in the same position that any man does who is hired there to do work.

Q. Mr. Moore is the superintendent and controls the employment of the men there?—A. Yes; he hires and turns away.

Q. So that he stood in a position to give his advice much more influence than you could give yours?—A. O, of course.

Q. When he told them it was to their interest to vote in that way, his advice was much more convincing than yours could be?—A. Yes.

By Mr. PLATT:

Q. What man told you that Mr. Butler had told him that he had better vote for Talbot or he would lose his place?—A. No man told me that just as you word the question, "that he would lose his place," but that it would be for his interest, or that he worked against the interest of the company. Butler would ask them the question.

Q. I am asking for facts, not for stories as you heard them around, unless they have been told you by the men themselves.—A. I will an-



swer your question. They have told me this, that he would come and ask them just before the election how they were going. They would say, "Well, I am going to vote the Democratic ticket." He would say, "Well, it is for your interest to vote the other way, to vote Republican." I have heard that.

Q. Did he tell them also that it was for his interest or the manufacturer's interests that they should vote the other way?—A. He said it was for the interest of the company. He seemed to put the company or corporation in. He said he would like them to work well. He did not say that they were against his interest, but that they worked against the interest of the corporation.

Q. Give the names of some of the men who you say told you that Mr. Butler told them that.—A. Warren Casey has told me that; Burton Goddard, I think, is one who stated it.

Q. Any one else?—A. I do not think of any others.

Q. Did either of these men, Casey or Goddard, say to you that Mr. Butler said anything to them about discharging them or anything of that sort in case they voted otherwise?—A. No; they never said anything of that.

Q. Are those men Democrats?—A. They are.

Q. Always?—A. I could not say as to that. Since I have known them, I think they have voted the Democratic ticket.

Q. How long have you known them?—A. I have known them fifteen or twenty years.

Q. Have they worked there in that company all the time?—A. Not all the time, I think.

Q. How long have they worked there?—A. I guess that Goddard has voted there some six or seven years. He is here to give his evidence.

Q. They are there still?—A. They are there still.

Q. They still work for the company?—A. They still work for the company.

Q. Goddard has not been discharged?—A. Goddard has not been discharged.

Q. How did Casey vote?—A. Casey voted the ticket and lost his job after the town meeting.

Q. Is Casey here?—A. He is here and will give his evidence.

Q. Which way did Goddard vote?—A. The Democratic ticket, I expect.

Q. He is still there at work?—A. Yes, sir; and he is still here to give his evidence.

Q. Did you get him down here?—A. No, sir; I did not get him down here.

Q. Did you give his name to any one to get him here?—A. Did I give his name to any one to get him here?

Q. Yes; that is just the question I asked.—A. I handed in the names of some two, and one was the name of Goddard.

By Mr. BLAIR :

Q. To whom did you give those names?—A. I gave them, I think, to Plympton; I think that is the man's name.

Q. Have you any doubt that these manufacturers believed what they said to these employes, that if they voted the Butler ticket they would be voting against the real interest of the manufacturers?—A. That is what they talked to them.

Q. Do you not believe that these manufacturers were honestly convinced that the operatives were voting to destroy the manufacturing industries in voting the Butler ticket?—A. I have no idea.

Q. Do you not believe it?—A. I think they used that as a whip.

Q. Do you not think that they believed it?—A. I could not say.

Q. Do you believe that they were lying about it?—A. I cannot say. I think they used that to whip them in.

Q. The question is whether you thought that these manufacturers believed that by voting for General Butler and against them, the operatives were voting to injure the industrial interests of Massachusetts?

—A. I cannot tell.

Q. Do you not think that they thought so?—A. I cannot tell.

Q. Do you not think that they might have thought so?—A. They might. I could not tell what they thought.

Q. Have you any reason to believe that they were not sincere in that?

—A. They might have been sincere.

Q. They voted against Butler themselves?—A. They did every time.

Q. Do you not suppose that they believed that they were voting for their own interest in voting against Butler?—A. Of course all corporations that worked against him would vote against him.

Q. The corporations are not carried on at the election polls?—A. They have a good deal to do there.

Q. What can a manufacturer do without labor?—A. He can do nothing.

Q. Can he do any better without labor than he can without capital?

—A. He cannot, but a man ought to be free.

Q. Of course a man ought to be free; but the point is whether the manufacturers do wrong in expressing their sentiments to their help. Here are men who have capital, who hire labor. They make their profit out of capital and labor combined, do they not?—A. Certainly.

Q. It takes both to carry on business; capital cannot do without labor any more than labor can do without capital. Here are these manufacturers. They say to this class of whom you have spoken as ignorant Irishmen, and of whom you say but few can read, "Here are your interests and our interests." Do you not think that they are sincere in that?—A. But you see they do not allow them to vote.

Q. But you say that all that they told these operatives was that it was to their interest to vote the Talbot ticket. Now, these men not are capitalists, but manufacturers, and I ask you if you do not suppose they were entirely sincere in telling the operatives that they were voting against their (the operatives') own interests in voting for Butler?—A. I do not know that they were.

Q. Do you not suppose that in taking that ground they were just as sincere as you were in taking the other ground and telling these men to vote for you because it was for your interest?—A. I think it very likely that they may have been.

Q. Do you think that they did any wrong, then?—A. I think they used all the power they could use to defeat Butler.

Q. Why did they not use the power of discharging any of their operatives, if they used all the power that they could use?—A. I have reason to believe that this one fellow was discharged.

Q. But the great mass of this help worked right along, and work there to-day?—A. I think they did.

Q. And the great mass of them worked against their employers, as they usually do and have for this past year?—A. Yes, sir.

Q. Have you not testified that most of the votes of those operatives were cast for General Butler?—A. I say that most of them are French; there are but a few Irish.

Q. But most of them voted against their employers?—A. I do not think they did.

Q. Let me ask you this: If those employers had been disposed to intimidate their men and had gone to them, when help was so scarce as it was last fall, and had said, "Here, you vote with us or we will turn you off," would they not have intimidated more men than they are said to have intimidated?—A. I think they would have, if they had put it right square to them.

Q. What was to prevent them from saying that to the men if they wanted to intimidate the men?—A. I do not know.

Q. Have you known anything of men in this State being driven into the woods and staying there for weeks and months, because of outrages upon them? Have you known of intimidation that amounts to anything at all like that?—A. I have read a good deal, but as for knowing personally of that, I cannot say that I do.

A. What have the manufacturers done? Do you not believe that all this talk of intimidation here in Massachusetts is a mere pretense, a sham?—A. No, I do not.

Q. They do resort to a good deal of it, you think?—A. Yes, sir; that is my opinion.

Q. Yet you have traveled around the State to get less than half a dozen instances where men have been turned off?—A. I have seen accounts of their having been turned off.

Q. But you do not know of but one or two yourself?—A. In my own town. I am not traveling around.

Q. Do you believe there is a place in the world where men vote as they please any more freely than in Massachusetts; and, if so, where is it?—A. I cannot say that.

Q. If you are so oppressed in Massachusetts, why do you not try some other State?—A. I am not through with Massachusetts yet.

Q. You don't feel very much oppressed, then, do you?—A. No, sir.

Q. You are as free as ever?—A. I guess so.

Q. You see no occasion for leaving?—A. There is nothing to drive me away.

Q. I do not imagine that anything will. You are just as free as you please to be, and do you not think that that is true of the people in general?—A. Well, sir, I think that when these corporations interfere it is wrong.

Q. What will you do with these corporations? If you destroy these corporations, how will you get your living?—A. They cannot live without us—you say so yourself.

Q. But you propose to live without them?—A. I do not go in for destroying any of the corporations. I go in for a man having his equal rights.

Q. Are you oppressed by them?—A. I am not.

Q. Are the people as a mass oppressed by them?—A. I think they are.

Q. And they must all vote against the corporations?—A. No, they do not.

Q. The great mass of them?—A. They do not.

Q. Which way will you have your testimony?—A. I will have it that they go with corporations as a rule against their own sentiments.

Q. But the testimony has been that nineteen out of every twenty Irishmen vote against the corporations?—A. I never stated any such thing as that.

Q. I do not know that you did put it quite so large as that.—A. No, sir; I did not make any such statement as that.

By Mr. McDONALD :

Q. You were asked if you had given the names of certain persons whom you have named here as witnesses, as those of persons who had been influenced by being threatened with discharge by any of the corporations ?—A. I named those two.

Q. You were not volunteering any testimony ?—A. No, sir.

Q. When asked if you could give the names of any such persons, you gave the names of those two ?—A. The reason I gave their names is because those men had told me their story.

Q. My colleague on the committee asked you if you knew of such persons and you gave the names at his request ?—A. Yes, sir.

Mr. BLAIR. We have drawn out the testimony of the witness on the stand. I am not aware that we have had any other communication with him.

By Mr. McDONALD :

Q. You do not suppose that you could have found the individual in a case such as you have spoken of without inquiry ?—A. I did not suppose I could find him without I made some inquiry.

Q. You have been asked by my colleague whether these superintendents who have charge of the mills did not really feel that it was to the interest of the mills to defeat Butler ?—A. Yes, I think they did. They talked it.

Q. They talked it and probably believed it ?—A. I thought so.

Q. And they thought that the men had no business to vote the other way ?—A. That was the insinuation.

Mr. BLAIR. I object to that. I do not think that that is very tangible. Let the witness state what they said.

By Mr. McDONALD :

Q. You were asked about their conduct. I ask you if you did not think it a very great outrage for them to ask the men to vote differently from what they believed on the subject ?—A. I did.

Q. They thought they ought to do the thinking of the men on the subject of voting ?—A. Yes ; and to direct them how to vote.

Q. Believing that Butler would ruin the whole country, they thought the men ought to think and vote as they thought and voted for them ?—A. Yes, sir ; the men were to be the machines to do just precisely as the employers thought.

Mr. BLAIR. You and Judge McDonald make out a rather fair case together.

Mr. McDONALD. A little better one than you and the witness made out.

Mr. BLAIR. That may be because the parties having to deal with only one side are more harmonious and willing to agree.

By Mr. McDONALD :

Q. Since the employers have been believing so earnestly on that subject, the employed have very generally voted with them, have they not ?—A. They have within three years.

Q. Since that belief has been so generally pressed by the employers, they have done much of the thinking for the employed, so far as the thinking has gone ?—A. It had a great bearing.

Q. You say that all you ask is that the men shall be allowed to believe for themselves ?—A. That is the way I understand it and look at things.

Q. And that they shall vote in freedom ?—A. Certainly ; according to the dictates of their own consciences.

Q. If they differ in opinion with their employers in regard to what is for the best interests of the country, they have a right to that difference of opinion?—A. I claim that they have that right; the laws of this State give them that right.

Q. Is that the way in which the right has been exercised practically since this increased energy on the part of the employers has been manifested?—A. Generally, except in the corporations; it is not so as to them.

EDWARD P. CARTER sworn and examined.

By the CHAIRMAN:

Question. Do you live in Webster?—Answer. I do.

Q. Were you there at the November election of 1878?—A. I was.

Q. For whom were you active?—A. For General Butler.

Q. Did you belong to the Butler club?—A. I did.

Q. Had you names of men there enrolled who you thought would vote for Butler?—A. I had in my possession the names of those who I thought would vote for Butler.

Q. Do you know that any of those whom you enrolled and who you had reason to believe would vote for Butler voted against him?—A. I do.

Q. How many?—A. There were 25 or 30 whose names I had who I calculated did not vote for General Butler, some of them; I could not say that all of them voted at all.

Q. State the cause of this, if you had knowledge of it there, pending the election?—A. There were reasons which were plain to us as managers of the club, but which it would be impossible for me to swear to.

Q. You may state what the men who were operatives in the mill stated about that to others, if they stated anything in your hearing?—A. There was very little said to me by them, by reason of my position in the club; I did not have much communication with the operatives, and it was on that account.

Q. What was your position?—A. I was president of the club.

Q. Were you present at the polls on election day?—A. I was.

Q. Did you observe the action of these employers?—A. Not to such an extent as did some of the witnesses who have preceded me to-day. I was in and out; the position I occupied on election day kept me mostly from the room. I could not swear positively as to what transpired in the room on election day.

Q. Was it not apparent to you when you came to count it on election day that the vote which your side had had there before had been materially reduced?—A. The vote was materially reduced from the list that I had.

Q. What was the cause of it?—A. I have given the cause as far as I know it. As I have said, I could not swear to things which I was not satisfied in my own mind did occur.

By Mr. PLATT:

Q. What is your occupation?—A. I am a trader; I have been in trade in Webster.

Q. How long before the election was the enrollment of the members of the Butler club made?—A. The club was formed, as near as I can recollect, about the last of September or first of November.

Q. At what time was the convention at Mechanics' Hall in Worcester held?—A. I do not recollect the date.

Q. About how long after that was it that the club was formed?—A. I do not know that I can give you the date. It is my impression that it was about a fortnight, though I would not state that positively.

Q. It was formed in September and the election was in November?—A. Yes, sir.

Q. Were the names obtained about the time of the formation of the club?—A. A portion of them were, and I had in my possession many names of Butler men who were not enrolled in the club. There were some men who did not wish to be enrolled in the club, but who expressed themselves favorably, that is, sympathized with us and would talk with our men whenever they met them.

Q. Do you remember that your canvass was with reference to the number of votes that you ought to have there?—A. That was the estimate that we made in regard to our votes. We thought, before the election, that our vote would be about equal to the Republican party vote. When the votes were counted General Butler had 295 and Mr. Talbot had 392. I think that Talbot's majority was 97.

Q. Is it not true, so far as your knowledge extends, that there was that year a large vote which was uncertain and doubtful, and you did not know which way it was going?—A. We expected a full vote. I do not know that I can answer the question definitely.

Q. What I mean to ask is this. People generally took open and decided positions, but were there not many men as to whom it was difficult to determine how they were going to vote?—A. I think that, in the canvass that we made in our town, we found out pretty correctly how it would stand. I judge from this. In pretty exciting elections in our town we have generally been able to estimate pretty correctly the state of the vote one way or the other, and, judging from that of last year, I should think that we did know pretty nearly how most of the men stood so far as their sentiments were concerned between the candidates.

Q. How many were on the rolls of your club?—A. As I told you before, there were many who were not enrolled in the club. I could not give the number of the names in my possession, but it was about 300; I think the number was a little over that, because General Butler had 295 votes, and I think I had 25 or 30 who either did not vote or who voted against him.

Q. You had then over 300 names on the private roll in your possession, the result of your canvass, and you polled up to 25 or 30 of that total?—A. Yes, sir.

Q. Is that an unusual discrepancy?—A. I do not know that I can say it is for this reason: I have known our canvass to fall short before.

Mr. PLATT. Yes, in my younger days I experienced that disappointment or mortification myself sometimes. [To the witness.] What were your duties on election day?—A. I had charge of the teams.

Q. That is, the teams that were bringing the Butler or Democratic voters to the polls?—A. Yes. Consequently that took me outside of the voting place.

Q. Those were teams that were employed and paid for, I suppose, by the organization?—A. They were teams that I engaged and paid for.

By Mr. BLAIR:

Q. It is not an unusual thing for voters to encourage both sides with promises and then disappoint one side or the other?—A. No, sir; it is not.

J. F. BONNER sworn and examined.

By the CHAIRMAN :

Question. Where do you live ?—Answer. In Webster.

Q. Did you live there last year ?—A. Yes, sir.

Q. For whom did you work at the time of the November election ?—A. I worked for no corporation particularly. I worked around by day's work. Before that I worked for H. M. Slater.

Q. At which mill ?—A. In the East Village. I did not work inside. I worked outside, and had full charge of the outside work.

Q. Were you at the election last fall ?—A. Yes, sir.

Q. Do you know anything about tickets being sent to the help at the last fall election ?—A. I do.

Q. State what you know about that.—A. What I know is that a Talbot ticket, sealed in an envelope, was sent to my wife's father.

Q. Did he work in the mills ?—A. Yes, sir.

Q. What was his name ?—A. George Andrews.

Q. In what mill did he work ?—A. In the East Village—the cambric works.

Q. Did he vote it ?—A. I could not say whether he voted it or not.

Q. Did he go to the election with the rest of the men ?—A. Yes, sir.

Q. Did you see him at the election ?—A. I did.

Q. Who was there ?—A. There was quite a number there.

Q. Was he brought up from the mill with the rest ?—A. Yes, sir.

Q. Was Mr. Moore, Mr. Fletcher, and Mr. Hilton there at the election ?—A. I saw Mr. Moore and Mr. Fletcher there. I saw Mr. Hilton, but did not see him around the polls, that is, up on the stage around the ballot-box.

Q. When were you discharged from work ?—A. I was discharged in the spring before.

[NOTE.—A statement by the witness at this point was subsequently excluded as not having been within the dates of the committee's inquiry.]

By the CHAIRMAN :

Q. What knowledge have you of any control of votes of employés at the Congressional or Gubernatorial election in the fall of 1878 ?

The WITNESS. I am going to let you know. What I know is this, that any man who labors for H. M. Slater has got to vote as he says—

[NOTE.—The witness proceeding at further length without heeding an objection at this point by Mr. Blair, it was explained by the Chairman that the hearing of the witness was somewhat impaired.]

The CHAIRMAN. Your answer is not to the question. What do you know about anything that occurred in regard to the control of the election with special reference to the employés ?

Mr. BLAIR.—If the witness will remove his hand from his ear he will be better able to hear.

The WITNESS. You need not worry but what I can hear.

Mr. BLAIR. I made the suggestion for your own benefit.

The WITNESS. I am deaf, and you needn't take my word for it. They know me where I was born and brought up.

The CHAIRMAN (after instructing the witness to pause upon objection being made). Go on and state what happened at the election, what you saw there.

A. What I saw or what I heard ?

Q. What you saw and also what you heard at the election from the

operatives in those mills.—A. I will tell you what they said. There was Edward Farrel, who works in the cambric works.

Q. What did he say?—A. He said he would vote for Butler if he dared to, but that if he voted so he lost his work. He was a laboring man, with a small family, with nothing to depend on only his own daily labor.

Q. For whom did he vote?—A. He voted for Talbot.

Mr. BLAIR. Does the witness know? I would like to know upon what information his statement is predicated.

The CHAIRMAN. How do you know the fact that he so voted?

The WITNESS. What I know is merely from what the man told me. He told me that he voted so.

By the CHAIRMAN:

Q. What pay is that man getting?—A. Seventy-five cents a day.

Q. Where is he working?—A. In the East Village, in the cambric mills.

Q. Was he working then?—A. He was.

Q. Had he a family?—A. He had.

Q. How many children?—A. I am not certain, but I should say four or five.

Q. Do you know who owns the house in which he lives?—A. H. M. Slater.

Q. It belonged to the corporation?—A. Certainly. No man within that territory owns anything only through him.

Q. What other man do you know who said anything?—A. There is Hugh Duffy. He said he would vote the same way if he was not afraid of being discharged.

Q. Was this before the election?—A. This was before the election last fall.

Mr. BLAIR. I raise the question whether evidence of this character is admissible at all. It would appear that the reasons alleged for their action are only such as the men gave at the time to those with whom they were dealing, and who, on the one side or the other, were urging them on.

Mr. McDONALD. The general rules of evidence apply in investigations of the character of this one, but the practice has been, in the ascertainment of certain facts, to proceed without strict conformity to the rules and methods of judicial procedure, and therefore testimony has frequently been taken which would not ordinarily be admitted in a court. In the investigations which have been made, that which the voters have said before the election to persons with whom they were talking on the subject of the election about their fear of voting in a particular way, and the grounds of their fears, has been admitted, inasmuch as the way in which the voters would have voted in the absence of any constraint cannot be shown except as is here proposed, namely, by their admissions or statements at the time of the canvass to others with whom they talked.

Mr. BLAIR. This, then, is not put in upon any claim that it is strictly competent or legal testimony, but merely for what it is worth.

Mr. McDONALD. The admission is simply that it is not of the character of that which is admissible in a court. I know of repeated instances in which testimony has been given as to the sayings of colored men, for instance, that they would like to vote the Republican ticket, but were afraid to do so. These declarations have been admitted again and again.



Mr. PLATT. Would it be proper, upon the same theory, for us to put in the testimony of, say, ten witnesses to the effect that they have heard Mr. Slater, the employer in this instance, declare that he had never attempted to interfere with the political preferences of his workmen at any election?

Mr. McDONALD. I think not.

Mr. PLATT. Mr. Slater is probably an elderly gentleman or one who cannot attend upon the committee.

The WITNESS. He is in Europe now. He went off last week.

Mr. PLATT. Then he certainly cannot attend here. I should suppose that if the claim that is made here is conceded we would have a like right to introduce the testimony of men who had heard him affirm that he had never interfered with men in their voting.

The CHAIRMAN. It is not Mr. Slater but it is the voter as to whom the duress is here alleged.

Mr. BLAIR. It seems to me that if conversations with the voter are admissible as tending to show his frame of mind, upon the assumption that he was in fear or was intimidated, it should also be shown that that condition of mind had some result, or that, as a consequence of intimidation, he finally voted contrary to his judgment.

The CHAIRMAN. If the rule should be applied so strictly as it necessarily would be under that construction of it, it would prevent any practical result in an investigation like the present one. When men are situated as are the men whose votes are here inquired about, it is utterly impossible to show by them how they did vote until they are discharged. The purpose is to elicit the truth. These men are in the employ of certain other men, and the purpose, as I understand it, is simply to show that they were of one frame of mind, but, because of their fear of discharge, were compelled to act in a direction the reverse of that in which they would otherwise have acted.

Mr. BLAIR. Precisely. Then there are two facts to be proven: one the use of such intimidation as impelled the voter to vote contrary to his true sentiments, and the other that of the actual voting. If this loose testimony is admitted to show the intimidation prior to an election, no case is made out unless evidence is introduced to show that he not only actually voted, but that, as the result of intimidation, he voted contrary to his sentiments. When it comes to proof of the fact of voting, it does not seem to me that we ought to take hearsay.

The CHAIRMAN. This committee is a law unto itself, and has repeatedly, in its investigations in the South, enforced the rule as it is here proposed to be applied. If it should apply to poor colored men, we think it ought to apply to white men.

Mr. PLATT. I am not aware that the committee ever made that rule.

The CHAIRMAN. It is upon that understanding of it that it has acted. We are now passing upon the question of intimidation, and the testimony is directed to that.

Mr. BLAIR. We have passed beyond the fact of intimidation, and the witness comes now to speak of the fact of voting. He says he does not know which way the man did vote, but that somebody told him the man voted so and so. That is not evidence of the fact of voting, certainly.

By the CHAIRMAN:

Q. In what way do you know how this man, Edward Farrel, voted?

—A. Because he told me how he voted; that he voted for Thomas Tal-

bot, and would have voted for Benjamin F. Butler if he had dared to do it. I have his word for it, nothing else, and I do not doubt that.

Q. What about the other man, Hugh Duffy ?—A. I say the same in regard to him.

Q. Were you at the election that day ?—A. I was.

Q. Who of the bosses or agents did you see there ?—A. I saw Mr. Fletcher, of the North Village. He was at that time considered the general agent or "super."

Q. What was he doing ?—A. He stood in front of the ballot-box, making it his business to see how Slater's employes voted. I saw Asher Joslet.

[NOTE.—At this point the committee was disturbed and the witness interrupted by an exclamation directed to the witness by a man in the audience, who said, "You old vagabond, weren't you turned out of your employment, and you went and sold fish?" The offender was promptly removed, at the instance of the chairman, by the sergeant-at-arms.]

Mr. PLATT (referring to the interruption). Let that be taken down if the stenographer heard it.

The WITNESS. I heard what he said. He said that when I was turned out of employment I had to go to work to sell fish to get a living in the winter. That is what he meant.

Mr. BLAIR (upon the examination being resumed). If this witness is so anxious to tell all that he knows, I withdraw all objections.

By the CHAIRMAN :

Q. Was Mr. Moore there ?—A. He was. He was one of the selectmen at that time.

Q. Give the politics of these men—Moore, Joslyn and Fletcher.—A. All are Republicans.

Q. What were they doing ?—A. Moore was one of the board of selectmen. It is the business of Asher Joslyn and Fletcher to stand up there to see who vote the Republican ticket and who vote the Democratic ticket—that is their business—as near as they can find it out.

Q. Are you working for this corporation now ?—A. No, sir ; I am not.

Q. Since when have you ceased to work for them ?—A. I have not worked for them since 1878.

By Mr. BLAIR :

Q. Have you stated, Mr. Witness, all that you wanted to state in relation to this investigation ?—A. If you have asked all the questions you want to ask, I have ; if you have any more I will state further.

Q. Have you stated all the facts that you wanted to state that are pertinent to this matter ?—A. In regard to the fall election ?

Q. Yes.—A. I have in regard to that. If there is anything further than that, I can answer.

Mr. BLAIR. That is all, then.

WILLIAM GAGIN sworn and examined.

By the CHAIRMAN :

Question. Where do you live ?—Answer. In Northbridge, Worcester County.

Q. Did you go there to vote last fall ?—A. Yes, sir.

Q. State what occurred at that election in regard to your vote.—A.

I went there in the morning to vote, and voted between eleven and twelve o'clock. I had laid down my ballot in the box, and my name had been checked on the book, when Mr. Henry Whiting doubted my vote.

Q. He challenged your vote?—A. Yes, sir.

Q. What for?—A. He said I could not read and write. Mr. Joseph Lazell took my vote out of the box and held it in his hand. They took a vote of the house on it, and they voted three to two to have it thrown out, and they threw it out on the floor.

Q. They rejected your vote?—A. Yes, sir.

Q. Did you ever vote before?—A. I voted since the fall of 1869.

Q. Was there ever any objection to your vote before?—A. No, sir.

Q. Where were you naturalized?—A. In Worcester.

Q. Who were the three who voted against your right to vote; Republicans or Democrats?—A. Republicans.

Q. Can you write your name?—A. Yes, sir. I wrote my name on the back of the ballot, but they wanted me to write my residence, and others said there was no need of that. Then they took my ballot and threw it right out of the box, though they had my name checked on the books.

Mr. BLAIR. Was it not because you could not read the Constitution? The WITNESS. I can read the Constitution.

Mr. McDONALD. Just write your name there.

[The witness being supplied with pencil and paper here wrote as his name "William Gaglin." The writing was inspected by the committee and filed by the stenographer with other papers.]

By Mr. BLAIR:

Q. Have you ever written your name since the election-day until now?—A. No, sir. I do not practice writing. I am a laboring man, and my hands are stiff from lifting heavy stone.

Q. What is your labor?—A. Working out in the farm.

Q. You do not keep any kind of a shop?—A. No, sir.

Q. Have you always been a laboring man?—A. Yes, sir.

Q. You have never kept a shop of any kind, nor saloon, nor worked in one?—A. No, sir.

Q. Have you been convicted of selling liquor?—A. No, sir.

Q. Have you ever been arrested or had any trouble of any kind from having sold liquor?—A. I was arrested, but I did not sell any liquor.

Q. What was done with you when you were arrested?—A. I was put into jail willfully.

Q. "Wrongfully" I suppose you mean to say?—A. Yes, sir.

Q. How long did you remain in jail?—A. Three months.

Q. By whose order were you put in jail?—A. By the order of the court, I suppose.

Q. You do not know what I mean in asking you whether you were convicted, do you? Did they find you guilty and say that you must go to jail and pay a fine?—A. Yes; they did.

Q. Were you tried?—A. Yes; I was tried.

Q. Who said you were guilty? Was there a jury?—A. Yes, sir; there was a jury.

Q. They lied about it?—A. I did not sell any liquor at that time.

Q. It was all false, this finding of the jury?—A. If I had sold it it would have been right. Some went there to swear that I sold it, but there was no one there to swear that I did sell it.

Q. What made the jury find you guilty, then?—A. Well, what made them take my ticket out of the box when it had a right to be in?

Q. That is another question, is it not? The fact is that they found you guilty and punished you by keeping you in jail?—A. They had nobody to swear that I did it.

Q. But they did find you guilty?—A. That was their business.

Q. The jury thought that the case was proven?—A. Yes, sir; they thought that they did what was right, I suppose.

Q. It was the misfortune of the jury to be misled. How do you spell your name?—A. G-a-g-i-n.

[NOTE.—In the answer just given, the witness at the first effort made use of "double g," but at once corrected this by substituting a single "g" as the middle letter of his name.]

Q. I thought I was right in regard to your name. You have the spelling of your name wrong both in your writing and your pronunciation of it.—A. I am not a capital writer.

Mr. McDONALD (referring to the name as written out). The name is here in the way that the witness spells it and pronounces it.

By Mr. BLAIR:

Q. You have stated that the vote was three to two. Is it not a fact that they voted unanimously that you should not be allowed to cast your ballot?—A. They voted three to two.

Q. How do you know that they voted three to two?—A. I know that they did.

Q. "How do you know" is the question?—A. There were five selectmen in it.

Q. Did not the whole five vote not to receive your ballot?—A. I guess not.

Q. You do not know that they did not? If all of them should come here and say that they all voted not to allow you to vote, you would think you were wrong about it, would you not?—A. I think I was not wrong about it. I think I am right.

Q. You had voted all the time for how long?—A. I voted since Mr. Greeley was going in. That was the first fall I voted, and I have voted ever since.

Q. Did any one, at any other time, ask you to write or read at the polls?—A. Mr. Lazell asked me to write my name and read the constitution, and I wrote my name and read the constitution.

Q. When was that?—A. That was at the town election.

Q. Do you say that you did vote at the last spring election?—A. Yes, sir.

Q. And you had to write your name at that time?—A. Yes, sir; I wrote it.

Q. Did you not practice a little between last November and last spring?—A. I had a little.

Q. A few moments ago you said you had not written your name since last November?—A. Well, I had no chance to—

Q. To refresh your memory. Did you not practice on writing your name a little?—A. They refused it because I would not write my residence upon it.

Q. This last spring they took it, did they not?—A. Yes, sir.

Q. How did it happen that they refused your vote last fall and took it this spring? Was it because you did not vote before the same men?—A. I suppose it was because they did not know what they were doing very well.

Mr. McDONALD. The inquiry seems to be running into a matter at a town election.

Mr. BLAIR. It is testing the witness's recollection. [To the witness.] Have you not written your name more than once since last November until to day?—A. No, sir; I have never handled a pen since, not since last spring.

Q. Don't you write letters to anybody?—A. No, sir.

Q. Don't you write receipts in your business transactions?—A. I don't have any business; I am only a farm laborer.

Q. Your business does not require you to read or write?—A. No, sir.

Q. So that you do not do it at all?—A. I don't do it, hardly.

Q. You spoke of reading the constitution. Can you read?—A. A little.

Q. If I were to show you a book, could you tell whether it was the constitution or something else?—A. I guess so.

[The witness was here allowed to retire, but after a short time was again called to the stand and further examined as follows:]

Mr. BLAIR. We want to ask you about your capacity to read. Come around here to my chair and you and I will do this together. [Handing to the witness a large volume.] You will please find in that book the constitution of the commonwealth of Massachusetts. It is in the first part of the book. You can tell when you come to the constitution by the type on the page.

Mr. McDONALD. The constitution itself does not require a voter to find the constitution, but to read it.

[The witness after looking at the pages, returned the book to Mr. Blair, with an observation in an undertone.]

Mr. BLAIR. You could not find it? I think I can find it for you if must have me do it. I only want to understand as to your capacity to read, and by no manner of means to make any sport of you. [Turning to a part of the book and directing the attention of the witness to it.] That is a part of the constitution of Massachusetts. Begin right there and read. Begin at the end of the line on the left side of the page.

[NOTE.—The witness here read aloud from the part indicated. As he proceeded, his reading was accompanied with a boisterous demonstration and noisy hilarity, culminating in outcries and hand-clapping, by a number of bystanders from among the audience.]

Mr. BLAIR (to the crowd). Don't trouble the man. He reads part of this correctly. There is no occasion to make any sport of him. He ought not to be insulted by this noise.

The witness continued his reading.

Mr. BLAIR. That is enough. The witness calls very many words correctly, there is no question about it; and I think that but for the interruption he would have read at least two-thirds of the matter correctly.

Mr. PLATT. Before going any further, Mr. Chairman, I would like to inquire whether this is a town meeting or the session of a committee of the Senate. If it is not a town meeting I desire that the sergeant-at-arms shall keep order here.

The CHAIRMAN (who had promptly, upon the outbreak, rebuked the indecorous behavior here referred to) formally notified the disorderly portion of the assemblage that the sittings of the committee were public merely by sufferance, and that a repetition of the disorder would necessitate the expulsion of persons present from the hall and the closing of the doors.

[After some time, the bystanders meanwhile having been obliged to be seated and order restored, the proceedings of the committee were resumed.]

WARREN CASEY sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. In East Douglass.

Q. Did you live there at the time of the election in November, 1878?—  
A. Yes, sir.

Q. Do you know Mr. Butler, the overseer?—A. Yes, sir.

Q. In what mill did you work?—A. I worked in what they call the bit-shop of the Douglass factory.

Q. What is Mr. Butler's full name?—A. Albert A. Butler.

Q. What did he say to you about your politics?—A. Last November he called me to him—I should judge it was two or three days before the election—and wanted to know what my political views were that fall. I told him, "I think I shall vote as I always have, as a Democrat; that I shall vote for Benjamin F. Butler." He said, "Well, that just shows your principle; it's the rum party." "All right," I replied, "I shall vote that way all the same." It ran along until a few days after the election and he had not spoken to me.

Q. At the election for whom did you vote?—A. Benjamin F. Butler.

Q. Was this Albert A. Butler at the polls?—A. Yes, sir.

Q. Was he there to see or did he know how you would vote?—A. That I could not tell. He stood there at the polls challenging votes.

Q. When were you discharged?—A. A few days after the election. I won't say whether it was two or three or five days. I did not work any more after election.

Q. Had you any conversation with this Mr. Butler about your politics after the election?—A. Yes, sir.

Q. State what he said to you after the election about that, or as to why you were discharged.—A. I went into the shop (I did not happen to be at work that day) and there was a man there—I met him right at the door—who wanted a heater. I asked him, "Do you want a striker, too?" He replied, "Yes, I do; I would like to have you to strike for me." That is my business, heating and striking; they are of the same kind of business. I replied, "I will go to work for you." He asked me, "Will Butler let you?" I replied, "Yes, I guess he will." He had told me to go in and go to work before the election. When I was talking to this man Mr. Butler stood, I suppose, a rod away from us, though he could not hear what was said on account of the work going on, but when this man passed out of the door, Butler called him back and said a few words to him. I could not hear what they were. The man then came back to me and said, "We cannot work together." I asked, "What is the trouble?" He replied, "Butler don't want you." I said, "Oh, all right." He went on and I stepped up to Mr. Butler and asked him, "Don't I do my work, Mr. Butler?" He answered me, "You do your work as well as any man in the company's works, but you are no man for the company to have; you will go against the company's interests every chance you have." I told him that if that was all, it was all right. He said he thought I would never get any work there again, and I told him I should not go to work for him again.

Q. Did you go back to work again?—A. I did.

Q. When?—A. On the 7th or 8th of February, along there, but not under him. I got news to go to work through him.

Q. Why were you discharged?—A. I could see no reason except the one he gave me when he told me that I was always against the company's interests. He told me I was as good a man as there was in the company's works.

Q. That they wanted a man there, but they did not want you?—A. Yes, sir.

Q. How long after the election was this—on the same day?—A. It was not the same day, because the works did not run that day; it was a day or two afterwards.

Q. What do you know about Butler influencing the men in the shop to vote?—A. I know he torments them almost to death.

Q. What do you know that he told them in that connection just before the fall election?—A. He told me, and he told the same to others, that if I voted for Ben. Butler I voted against my bread, and if I did I should know it at some future day. He told others so; at least I did not hear him tell others, but others told me that he had told them so.

By Mr. PLATT:

Q. What was your business in the shop?—A. Heating and striking.

Q. How long had you worked there?—A. Seven years this November coming.

Q. When was it that Mr. Butler first spoke to you about how you were going to vote in "the Butler election," as I will call it?—A. I could not tell you the exact date.

Q. How long before the election?—A. A week or ten days, may be.

Q. How many different times did he speak to you on the subject of your politics at and before that election?—A. I could not tell you; may be three or four times.

Q. Do you think he spoke to you three or four times previous to the election at which Mr. Butler ran for governor?—A. Yes, sir.

Q. How many days after the election was it that you went there and proposed to strike for somebody?—A. A day or two. I went right after the election. It was not over two or three days, I believe.

Q. Did you not say, in your direct examination, two or three or four or five days?—A. I do not believe I did.

Q. Or two or three or five days—was not that your expression?—A. No, sir; I might have said three or four days.

Q. At how many days after the election will you put it, and swear to it?—A. I should put it at five days, and take my oath to it.

Q. What had you been doing in the mean time, between the election and that fifth day after it?—A. Waiting around to get a chance. I was a spy helper.

Q. Why did you not go to work on the day after the election?—A. Because I had nobody to work with.

Q. Had you been to the shop to go to work previous to this day?—A. Yes, sir.

Q. And the only reason you did not go to work was because it did not appear there was anything for you to do?—A. There was nobody for me to be helper for.

Q. You had not at that time any regular work?—A. No, sir.

Q. About how much of the time were you employed there during the months of October and November, how many days, as near as you can get at it?—A. I will tell you very near. Along in the fore part of September, I went in to work, and worked until the second day of October.

Q. Then, during October, how much did you work?—A. I did not work any more as a regular helper.

Q. Then, from the 2d of October until election time, you had not been at work there?—A. Not as a steady worker. When they wanted a man I suppose I should go in and work.

Q. Then, how many days did you go in during October ?—A. May be four or five.

Q. Did you have any words with Mr. Butler in any way ?—A. Never outside of politics.

Q. Did you talk against the company ?—A. Never to my knowledge.

Q. Had you any angry words with Mr. Butler in relation to politics ?—A. No, sir ; never.

Q. Had you talked about Mr. Butler's trying to influence his men to vote ? Had you been about the village talking about that ?—A. At that time, previous to the election ?

Q. Previous to the election and previous to the time when, as you say, you were discharged ?—A. No, sir.

Q. Mr. Butler did not tell you you were discharged because you had voted the Democratic ticket ?—A. No, sir.

Q. Did he not give you some other reason for not wanting you ?—A. Not at that time ; no, sir.

Q. You say not at that time. Did he afterwards give you any other reason for it ?—A. No, sir.

Q. When you asked Mr. Butler if you could not work there, what did he say ?—A. I asked him what the reason was that I could not work there, and I repeated the question in this form, "If I did not do my work right." He said I did my work as well as any one on the works, but the reason was I would go against the company every chance I got, and "You go against the company's interests."

Q. Was that reason true, that you did go against the company's interests ?—A. No, sir.

Q. Had you not talked against the company in politics ?—A. Never.

Q. It was through Butler that you went back there on the 7th or 8th of February ?—A. Yes, sir.

Q. Now do you not think there was some reason why Mr. Butler did not retain you at work other than the one you have given here ?—A. I know there was no other, because he did not say there was any other.

Q. The reason that he gave you was this, because you worked against the company's interests every chance you got ?—A. Yes, sir ; and the last words he spoke to me were that the company did not want any such man ; and he said, "Let this be the last time."

Q. Did he not tell you in what you had worked against the company's interests ?—A. No, sir. I asked him when I asked him about the work. I learned under him to do the work.

Q. Had you not been taking an active part in the election ?—A. Not a bit. I never did. I might have driven a team to town meeting, which is held a mile away from our village, and carried voters.

Q. Had you not said something about the company politically, which Mr. Butler had heard of ?—A. No, sir ; never in my life.

Q. You say he did not know how you voted that you know of ?—A. I did not say that he did not know how I voted, but that he stood at the polls and watched my ticket.

Q. You voted an open ticket ?—A. I did.

Q. Did you not say, in your direct testimony, that he did know how you voted ?—A. I don't know now that he knew how I voted. He stood there at the polls challenging voters. At elections previous to that election he knew how I voted because he made the remarks to me personally.

Q. There were other men in the shop who voted as you did ?—A. Yes, sir.

Q. And who took a more active part in politics than you did ?—A. Yes, sir.



Q. He did not turn them off?—A. No, sir. And outside of politics they took a more active part than I did; they have a bigger influence.

Q. Does not that cause you to think that Mr. Butler had heard something about you other than of the way you voted?—A. He might have heard of it. I have told him so myself. I voted my principle any way.

Q. There are many men in the works there who do that?—A. Yes, sir.

By the CHAIRMAN:

Q. He talked to you about your politics on the day you voted for Gaston?—A. Yes, sir.

Q. What did you say about Gaston?—A. The day after the election, he called me to his bench and said, "Warren Casey, I was very sorry to see you put in that vote." He told me that I voted for Gaston. I told him that I voted Democratic, and he said, "You will be sorry for it some day."

Q. You were sorry for it this time?—A. Yes, sir.

By Mr. PLATT:

Q. That was a year before, when he told you you would be sorry for it?—A. Yes, sir.

Q. You are sorry for it?—A. I have been sorry for it this winter.

By the CHAIRMAN:

Q. You have had no work?—A. No, sir.

Q. Have you any babies?—A. Yes, sir; two.

Q. In whose house did you live?—A. The company's.

Q. Have you staid there?—A. Yes, sir.

Q. Pretty hard times this last winter?—A. Yes, sir.

By Mr. PLATT:

Q. You have worked satisfactorily since February?—A. Yes, sir; as satisfactorily as I could.

Q. Tell us how you got back there.—A. I went to Mr. Butler's house in the fore part of February, on the second or third day of February, in the evening. I rapped at the door; his wife came and I went in. I had done a great many errands for him during the time I was working in the shop under him. I went in there and told him I had come to him once more for work, that he had either got to give me work or I should go on the town.

Q. Did he ask your politics?—A. No, sir; he said, "You have done right and you shall go to work." He said I had promised to do right. I said, "Have I not done right, as I promised you?" He replied, "You have," and that I should go to work.

Q. What was it that you had promised to do right about?—A. Why, drinking.

By the CHAIRMAN:

Q. Did you go to the next election?—A. No, sir.

Q. Was it anything about your doing right in that way?—A. I supposed that that was what he meant and I kept away.

Q. Was there anything like a political fight at the next election?—A. I understand so, but I did not go.

Q. Do you propose to go this next time?—A. It depends on whom I am working under.

Q. You are pretty well intimidated?—A. Probably you would be if you had gone through the ropes as I did last winter.

CHARLES A. STEARNS sworn and examined.

By the CHAIRMAN :

Question. Where do you work ?—Answer. In the Douglass Axe Factory.

Q. What do you know about the actions of Albert Butler in the shop, and his influence upon the help ?—A. For the last two years he has placed himself where he could see every man who voted.

Q. At the polls ?—A. At the polls ; yes, sir.

Q. How did they usually vote there in the last two years ; with open or sealed ballots ?—A. They usually voted with an open ballot.

Q. Do you know anything about an attempted control of the operatives at this establishment ?—A. I do not know of any only by hearsay.

Q. Do you work in the establishment ?—A. I do.

Q. Was there any attempt to control you ?—A. They never made any attempt to control me.

Q. What was your place there ?—A. I worked only as temperer.

Q. Are you independent in circumstances ; do you own property of your own ?—A. I consider myself a poor man. I have a little home there.

Q. Were any of the rest of the employés of the Douglass ax works at the election on that day in November ?—A. Nearly all of them were.

Q. Can you tell us whether the election in November, 1878, was or not perfectly free and open for these employés ? Were they allowed to do as they pleased, or was constraint put upon them ?—A. I think there was more constraint upon them than I have seen there for the last thirty years.

Q. How ?—A. In the first place, the agent of the ax company, Edwin Moore, stood at the door, met every man who came in, passed him the Republican ticket, and told him it would be to his interest to vote that ticket. That is something that I had not seen done in the last thirty years, the agent of the ax company peddling tickets. I never knew him to be publicly peddling tickets before.

Q. Previous to 1876, was Mr. Butler in a position to watch the votes of the employés ?—A. Not so prominently. He was there in 1876, I guess, all through the voting.

Q. After Mr. Moore would give them the ticket and tell them it was to their interest to vote that way when they came in, where were the men next observed and their ballots inspected ?—A. At the ballot-box.

Q. Who had charge of the ballot box ?—A. The selectman.

Q. Was he connected with the company in any way ?—A. I believe not.

Q. Was he in 1878 ?—A. I think that in 1878 the Republican party had a majority of the board.

Q. What I want to know is whether any of the selectmen who had charge of the ballot-box in November, 1878, were connected with this company.—A. No ; I don't think that any of them labored. One or two of them worked for the company.

By Mr. McDONALD :

Q. You say that he never made any effort to influence your vote. Do you know anything about his talking to operatives other than yourself in the shops ?—A. Nothing personally, only by hearsay.

Q. What have you heard the help say about his coming to them and undertaking to influence their votes ?—A. I have heard them frequently make the statement that he had been to them just before town meeting.

Q. That is, just before the election ?—A. Just before the election.

Q. What did he say to them ?—A. He would speak to them and ask them which way they were going to vote; the expression would be which way the man was going to vote; and, if they replied "The Democratic ticket," he would tell them he thought they missed it; that it would be for their interest to vote the Republican ticket.

Q. You saw him giving out votes at the election and heard him making use of the same expressions ?—A. That was in 1878. I never saw Mr. Moore peddling tickets until 1878.

By Mr. PLATT:

Q. How long have you worked for the company ?—A. It is over thirty years since I first worked for them.

Q. Have you been a Democrat all the while ?—A. No, sir.

Q. When did you become a Democrat ?—A. In 1868 or 1869.

Q. For ten years, then, you have been a Democrat ?—A. For ten years I have belonged to the Labor-Reform or Democratic party.

Q. It is pretty difficult to tell what the name of the party is up here in Massachusetts now. But you were not a Republican since 1868 ?—A. Not since 1868 or 1869.

Q. How many men work in the same room in which you work ?—A. I worked in both of the temperers' shops. In the one in which I now work there are six besides myself.

Q. You are acquainted with the men there ?—A. I am well acquainted with every man who works on the works, having been there so long.

Q. Previous to the election of 1878, did you talk to the men on politics generally ?—A. I did.

Q. Did you tell them that the best thing they could do would be to vote for Butler ?—A. I did when I had occasion.

Q. Did Mr. Albert Butler do anything more than that except that he talked on the other side ?—A. I don't think he did any more about talking than I did. He took an active part.

Q. The only difference between you, then, so far as that was concerned, was that you were working there with the men and he was an agent of the company ?—A. Mr. Butler was and is general inspector; Mr. Moore is the agent.

Q. What are you ?—A. I am a temperer. Butler is an inspector of forging.

Q. Do you have men working under you ?—A. No.

Q. Do you consider it wrong for Mr. Butler, who is an inspector of work, to talk to the men, ask them how they are going to vote, and consider it right for you, who are acquainted with the men and are with them, in the shop to do the same thing ?—A. I do not consider it wrong for him to talk with them if he does not use any threats.

Q. Do you know personally that he did use any threats ?—A. I do not. I did not testify to that.

Q. Butler is a pretty good fellow aside from politics? Such is the statement made here by one of the witnesses—A. He is. He and I always got along.

By Mr. BLAIR:

Q. Last year was a peculiar year, was it not, that is, parties were much more excited than usual ?—A. It was so in our town.

Q. Did you ever know the manufacturing interest—that is, the manufacturers themselves, to take as much interest in politics as they did last year ?—A. I never did.

Q. Do you know why they took so much interest? Did you hear

any expressions from which you could have some understanding as to why they did?—A. I heard them make expressions to the effect that they thought it would be a great deal to their disadvantage for Butler to be elected governor of the State.

Q. To their disadvantage for what reason; that it would injure the manufacturing interest?—A. That it would injure the manufacturing interest.

Q. You understand that the manufacturing interest depends upon the labor as well as the capital, that there are joined in it, that it takes them both?—A. It takes them both.

Q. Then the laborer, from their point of view, was just as much interested to defeat General Butler as they were themselves? That was not your opinion but that was the way they felt about it?—A. That was the way they talked about it.

Q. Do you think it then at all strange that, if they thought this new money theory was going to disturb their business and injure them and you and others, they should speak to you in regard to it?—A. I certainly think it was perfectly right for them to speak to me.

Q. There was, then, to your mind, nothing wrong or strange in their taking an interest in the last election?—A. No; not if they only took an interest; but if they put threats out, it is another thing.

Q. But you never knew of the threats?—A. I never heard any.

Q. Then you do not think that anything they did was strange or wrong, do you?—A. No, sir.

By Mr. PLATT:

Q. How many voters had they in that shop last fall, as near as you can tell?—A. The town has about four hundred. I think that all of two-thirds of that number worked in the shop.

Q. That would be two hundred and fifty or more?—A. Yes, sir.

Q. What portion are Democrats?—A. I think there are more Republicans in the shop than Democrats. The farmers around the town are mostly all Democrats.

Q. Still there is quite a large number of Democrats in the shop, and many who, like yourself, have worked there for years?—A. Yes, sir.

Q. Aside from the two men from that shop who have testified here, Casey and the other, did you ever hear of anybody being discharged there on account of their votes or politics?—A. I have in years back; not since 1876.

By Mr. BLAIR:

Q. You observed that the witness who has just testified (Warren Casey) stated that he had been discharged for having voted as he did, but did you also observe that in the close of his examination, as Senator Platt drew it out, he stated that he had been taken back to work on condition that he would stop drinking. Now may it not be that in some of these other cases of discharge the true reason of their discharge was some fault of the men themselves and not because of their votes?—A. It may have been.

Q. And these other allegations may have been circulated by way of excuses by the men themselves? That may have been so often?—A. That may have been so often.

Q. You do not yourself claim that these men, in times past, were discharged on account of having voted the Democratic ticket?—A. No; I do not.

Q. Then you merely testify to rumors that may be either false or

true?—A. Not as far as that is concerned. I say they took more interest in elections in the last two years than ever before.

By Mr. PLATT :

Q. Did you go to the polls in 1878?—A. Yes, sir.

Q. Did you stay there any longer than it was necessary for you to stay to vote?—A. I did; I peddled tickets all day.

Q. Do you claim a right as a workman to peddle tickets, when you claim that Mr. Butler must not stand at the polls?—A. I give him the same privilege I peddled tickets, but I did not tell any men that they must vote those tickets.

Q. He did not, did he?—A. I never heard him.

Q. He tried to make men think it was their interest to vote Talbot tickets, and you tried to make them think that it was their interest to vote the other way; was not that all that there was of it?—A. I did, on my side.

Q. And you were about as smart as he was?—A. Yes, sir.

By Mr. BLAIR :

Q. You got Butler one hundred and ten votes, did you not?—A. He got one hundred and ten in our town.

By Mr. McDONALD :

Q. What proportion of the votes actually cast were cast by employes of the shop?—A. The town gave 110 for Butler and 145 for Talbot, I think.

Q. How many of those votes came out of the shop?—A. I think 200 or 205 came out of the shop.

Q. Then, while there were nearly as many Democrats as Republicans in the shop, you did not get as many Democratic votes out of the shop as usual?—A. We did not get as many Democratic votes out of the shop as usual.

Q. This influence showed its effect when you came to casting and counting the votes? You then found that persons who had theretofore been Democrats had, under one influence or another, been brought over to vote the other ticket?—A. They voted the other ticket last year.

Q. You were a skilled workman there; you are a temperer. That is a very particular kind of work?—A. Very particular.

Q. It is better for the company to have a good workman there, though a Democrat, than a bad workman if a Republican?—A. Certainly.

Q. The interests of the establishment would not be promoted by continuing bad workmen there, whose incompetency might spoil their trade?—A. If they get a good man in there, who understands the trade, they usually keep him there.

Q. A man who does not understand the business would be likely to destroy a good deal of material, would he not?—A. Yes, sir; he would destroy a good deal of work; he would not get along. If an ax is not tempered right, it is not good for anything.

Q. If the tempering is not done right, the work is lost?—A. That is true.

Q. You have heard the story of the fellow who undertook to make an ax, and who, when he found he could not make an ax, thought he would make a hoe, but after he had worked on the hoe, and failed in that, thought he could at least make "a fizz," and put it in the slack tub?—A. Yes, sir.

Q. In the last two years you say the agents and officers of these companies have been much more active in politics than they were before, and,

in answer to Senator Blair, you said you thought they were in earnest when they insisted they were right on these political questions. But the workmen sometimes think the other way, do they not?—A. The workmen think the other way.

Q. And they are just as earnest in that as the employers are in their thinking?—A. Certainly, they are.

Q. But the employers want to think for them as well as employ them?—A. Some of them seem to talk that way.

Q. You did not believe that the country was going to wreck and ruin if Butler was elected?—A. No; I did not believe it.

Q. And you thought that those who did were very "green" for believing it?—A. I hardly believe they did think so. I thought they were men who were too smart for that.

By Mr. PLATT:

Q. All the temperers are not Democrats, are they?—A. No, sir.

Q. The company could get good temperers who vote the Republican ticket, if they chose to get them?—A. They could not in that town at present.

Q. They could go elsewhere and find them, could they not?—A. I presume they could, although such workmen are pretty scarce just now.

Q. Is the pay that Mr. Butler receives in the employ of the company very large?—A. Yes, sir; he has a salary now.

Q. Are you paid so much a day or so much a year?—A. I am paid by the piece.

Q. Mr. Butler is in no sense an agent of the company any more than you are?—A. No; he is an inspector. He has charge of a certain job in the bit-shop.

Q. Are there other inspectors there?—A. Yes.

Q. How many inspectors are there at work for the company?—A. Six or eight.

Q. Are they all Republicans?—A. I believe they are.

Q. They are men who work by the piece and get pretty good pay, do they not?—A. We used to make pretty good pay before they cut us down so hard.

Q. Is any other of the inspectors very active at the polls?—A. Yes; but not so active as Butler.

Q. Butler is a pretty active man any way, is he not?—A. Yes, sir; he is active in his way.

Q. What position does Mr. Moore hold there?—A. He is the agent of the whole company. His name is Edwin Moore.

BURTON GODDARD, sworn and examined.

By the CHAIRMAN:

Question Where do you work?—Answer. For the Douglass Axe Company.

Q. What talk had you with Albert Butler, the foreman there, about voting for General Butler?—A. He talked with me two or three times there in the shop where I worked.

Q. What about?—A. About voting. He wanted me not to vote for General Butler for governor, said that I hadn't ought to.

Q. How close to the election was it when this talk occurred?—A. It was along two or three weeks previous, and up to the time.

Q. How did you vote ?—A. I voted for General Butler.

Q. Was any influence brought to bear upon the help in any way ?—A. Not upon me.

Q. Was there upon the rest of the men ?—A. I know of about what has been testified to.

Q. You know that Albert Butler was at the polls ?—A. He was.

Q. What was he doing there ?—A. He stood right by the selectmen.

Q. Did he see how the men voted ?—A. He did ; I think he could.

Q. Was Mr. Moore there ?—A. Yes, sir.

Q. What was he doing ?—A. I could not say. He was standing around there.

Q. Did you see him distributing tickets ?—A. I could not say that I did.

Q. Do you think that the vote for Butler was as large as it would have been if this influence had not been brought to bear ?—A. I do not think it was.

By Mr. PLATT :

Q. How long have you worked there ?—A. I have worked there this last time seven years ; I worked there previous to that.

Q. Were you born in this country ?—A. I am a native of Connecticut.

Q. Nobody connected with the company ever undertook to bring any threat to bear upon you ?—A. Not in particular.

Q. They wanted you to vote against Butler ?—A. Yes ; they said he was a bad man for governor. They thought he would make a bad one.

Q. You thought he would make a good one ?—A. Yes, sir ; I knew him down at New Orleans ; I thought he would make a cleaner.

By Mr. McDONALD :

Q. Had you been a soldier under General Butler in New Orleans ?—A. I had.

Q. You knew him personally ?—A. I knew him by sight ; I have seen him and heard him talk.

Q. So that when this Mr. Butler told you that General Butler was a bad man, you did not believe him ?—A. No, I did not ; that is, not that he was a bad man for governor. He said that General Butler was dishonest.

Q. Did he say anything about it being the interest of the company for you not to vote for General Butler ?—A. He said something of that kind. He said he thought it would be better for me and others not to vote for him.

Q. How did he say that the company felt toward General Butler ?—A. He said it was their interest to have the help vote for Talbot. Although he said his man was Miner, he should vote for Talbot in order to defeat General Butler.

Q. It was the interest of the company to vote that way ?—A. He considered it so, and thought it would be better for me and others so to vote.

Q. You did not think so, and voted as you thought best ?—A. I did.

By Mr. PLATT :

Q. You did not think that that was any threat that he was going to turn you out ?—A. He did not say anything about discharging me.

Q. Not in particular ?—A. Not in particular. He talked that way in order to prevent my voting the way that I wished to vote.

Q. When he talked politics you gave him your ideas about Butler ?—A. Some little ; I am not much posted on politics any way.

Q. But you told him you knew Butler in New Orleans, and that you thought he would make a good governor ?—A. Yes, sir.

Q. How much of the time did you spend at the polls on election day ?  
—A. I was there some two or three hours around about the hall.

Q. You did not take any part as a ticket distributor or anything of that sort, did you ?—A. I did not.

By the CHAIRMAN :

Q. Do you live in a house of your own ?—A. I have a little home of my own.

HENRY F. DUDLEY sworn and examined.

By the CHAIRMAN :

Question. Where do you live ?—Answer. In East Douglass.

Q. Where did you work in November, 1878 ?—A. I am keeping a billiard saloon.

Q. Did you have any talk with employes in the Douglass Axe Works in regard to their voting for General Butler ?—A. On the Saturday evening before the election a man was in my place, and I said to him, " Well, I suppose you are going to town meeting ?" He replied, " Hen, I don't know ; I have not made up my mind." I asked him what was the matter. He replied, " I have just got a job and have been out of work about six months ; to tell you the truth, I really dare not go to town meeting ; you know what my principles are."

Q. He did not dare to go where ?—A. To the town meeting—to the election.

Q. Did he go ?—A. No ; he did not.

Q. Do you know what were his politics then ?—A. He had always voted the Democratic ticket.

Q. Had he a family ?—A. No, sir.

Q. About how long had he been at work before this conversation with you took place ?—A. I don't know ; I should say perhaps two or three weeks ; I cannot tell about that.

By Mr. BLAIR :

Q. Did he say why he dared not go ?—A. That was the only reply he gave me.

Q. He did not say who nor what he was afraid of ?—A. No.

Q. Did you give the name of the man ?—A. I did not.

Q. What was it ?—A. He said he would rather I would not give his name.

Q. He can have no objection to your giving it now ?—A. I do not know that he would have, but he is not here. He thought perhaps it might affect him hereafter in his work.

Q. For whom does he work ?—A. He works for the Douglass Axe Company.

Q. For whom did he work at the time of this conversation ?—A. He worked in the same place.

Q. What is his name ?—A. Rufus Beldin.

Mr. BLAIR. Now we will see whether he is turned out.

JOHN A. FYNES sworn and examined.

By the CHAIRMAN :

Question. Where do you live ?—Answer. In Boston.

Q. In what ward ?—A. Ward nine.



Q. What position, if any, did you hold at the election in November, 1878?—A. I was one of the Federal supervisors.

Q. By whom were you appointed?—A. By Chief Supervisor Hallett.

Q. Did you serve at the polls?—A. I did.

Q. State whether anybody was arrested there?—A. There was.

Q. State the circumstances.—A. A colored man named Charles Washington was arrested for illegal voting.

Q. What became of him?—A. He had been illegally registered and had no right to vote. My colleague in the precinct and I accordingly reported him to Supervisor Hallett. Several warrants had been issued to be served on election day, and one of these was against him. He was the only one who was arrested there. When he came there and voted, I caused the warrant to be served upon him by the deputy marshal.

Q. What became of the case?—A. It was sent up to this court [meaning the United States circuit court] by the commissioner, and the man was defaulted.

Q. It was not tried?—A. It was not tried; he is under default.

By Mr. PLATT:

Q. He did not appear, and forfeited his bail; is that it?—A. He appeared up to the last day when he became alarmed at something in the ruling of one of the judges, and absconded forthwith.

By the CHAIRMAN:

Q. Do you know how he voted?—A. I could not say how he voted.

Q. Have you any information on the subject?—A. I understood that it was a Butler ballot that he cast.

Q. State whether there were any circumstances surrounding his case that indicated what the purport of the arrest was?—A. There were none in particular surrounding his case. It was simply a matter of an execution of a warrant. Several other cases occurred.

Q. Did similar cases occur that day?—A. There were several cases of what I termed bulldozing or intimidation.

Q. What were they?—A. One of them was that of a colored man named George W. Greene, who came to the polls and voted a Butler ticket. As he passed through the rails and emerged from the other end, Councilman R. M. Thompson said to him, "You need not work any more for me, Greene." Thompson was acting there that day as one of the bureau of inspection. I remarked to him, "Thompson, ain't that intimidation?" He replied, "No; I said nothing until the man voted." I said, "It is immaterial whether you did or did not; it is intimidation." I had occasion to speak to Mr. Thompson several times in regard to his conduct that day.

Q. Do you know how this man Greene voted?—A. I do.

Q. How did Greene vote?—A. He voted a Butler ticket.

Q. What are Thompson's politics?—A. Republican, I presume.

Q. What was he doing there?—A. He was acting, as I said before, in the capacity of one of the bureau of inspection, under the lead of Chief Chandler.

Q. Did any other cases of that kind of intimidation occur there that you know of?—A. There was the case of a man who, upon coming up to vote, was challenged by them, and not permitted to vote under the reading and writing qualification. I informed the man that he could vote at his peril. They insisted that he should write his name on the ballot. I informed them that he could have it written. The name was

subsequently written on the ballott and he voted. They withdrew the challenge also. Another case was that of a colored man who came to the polls with a Butler ticket in his hand. As he was about to deposit it one of the local inspectors behind the rails remarked to him, "Stop, you must not vote that ticket." The attention of my colleague was called to it at the time, and he touched me. The man inquired, "Why not?" The inspector replied, "You don't want to vote for Butler; you want a Republican ticket." "No," the man said, "I am going to vote this ticket." "Well," the inspector said, "if you are going to vote that ticket, scratch off Morse's name and put on Brimmer's." We spoke to the inspector at the time and called his attention to the fact that that was entirely out of the line of his duty. Some words ensued, and I informed him and Thompson that we, the supervisors, were there not only to prevent fraudulent voting, but also, to the extent of our power, to protect any man who had a right to vote.

Q. Go on and describe what you did under the instructions of the chief commissioner in regard to the voting lists as supervisor.—A. Our instructions verbally and also as given to us on printed circulars were, that a man in order to vote should be a resident of the place at which he was assessed six months next preceding said election; also that according to the constitution of the State he must possess the necessary reading and writing qualification, and be a duly naturalized citizen, of course, where naturalization is required.

Q. When the precinct lists were sent to you by the chief supervisor, did you examine them, check them, ascertain who upon those lists were not qualified to vote, and make return to the chief commissioner?—A. I think I can safely say that, of the names on the precinct lists which I had, there were not a dozen or a dozen and a half who were not visited personally, either at their houses or their places of business. In cases of absence, their relatives were seen and every one of the names checked. As to some of them I did not deem it necessary to make a visit. These were city officials, for instance, who, I was perfectly well aware, were competent and qualified of course. Their names were checked without my seeing them personally.

Q. Did you make a return to the chief supervisor?—A. I did.

Q. What was the result?—A. The result was the issue of five warrants.

Mr. McDONALD. Only one of which was served?

The WITNESS. Only one of which was served.

By the CHAIRMAN:

Q. When your work had been completed and you came to get your pay, what occurred?—A. Our returns were duly made in accordance with instructions received, and after the election we assembled at the lower room of the building in which the committee now sits. The understanding had been that we were to receive at least ten days' pay; that is, it was generally supposed that the supervisors were to receive pay for every day that they served, but that at any rate they were to receive ten days' pay. When the amounts were made up, it was found that the names of some one or two appeared with four days, some with five days, and some with seven days, while those who had attended the places of registration from five to ten o'clock in the evening were put down as having ten days. There was in consequence a general feeling of discontent among the supervisors, and a number of us waited upon Chief Hallett several times. He informed us that his decision was final, remarking at one time that that was all we were worth; that we were not worth any more money. I respectfully dissented from that, and re-

ferred him to the lists that I had returned, telling him that I thought the laborer was worthy of his hire. He was indisposed to have any conversation with us, and treated us in a somewhat autocratic manner, I must say.

Q. What did he say about your lists?—A. He specified no lists in particular; that is, when I heard him speak. I have given you the substance of what he said in my presence.

By Mr. McDONALD:

Q. You said you had had occasion to speak to Mr. Thompson before on that day?—A. I did; several times.

Q. What was his conduct on that day?—A. He was very pertinacious in his inquiries of every man who approached the rails; questioned every man; was very anxious to get the name of every man, and made himself very busy. I informed him that he had no right to interfere with voters. On one occasion I called the police and ordered him to clear the rails.

Q. Had this colored man whom he so summarily discharged that day from his employment been at work for him before that time?—A. I understood that he had. Such was the inference that I drew from the remark which he made to him.

Q. Was it one of the election officers who told the voter that he must strike Morse's name off and put on Brimmer's?—A. He was one of the inspectors appointed by the city government.

Q. He was holding the election?—A. Yes, sir; he was behind the rail.

Q. He read a lecture to this man who insisted upon voting for Butler?—A. Yes, sir; and when the man replied to him, he said, "Well, scratch off Morse and put on Brimmer." I do not know that that was the exact language, but that was the substance of it.

By Mr. BLAIR:

Q. Who was this inspector?—A. August Cheresty, of ward nine, precinct three.

Q. Do you know the name of the voter?—A. I do not.

Q. Did the voter substitute Brimmer's name?—A. I could not say.

Q. You do not know whether it made any difference or not?—A. I then interfered and told the inspector that that was entirely out of the line of his duty.

Q. Do you know whether this was a man with whom the inspector was acquainted?—A. He was.

Q. He seemed to be a man whom the inspector knew?—A. Yes, sir.

Q. You were one of the supervisors appointed under the United States law?—A. Yes, sir.

Q. This inspector had been appointed under the city law?—A. Yes, sir.

Q. Did any one but you interfere to prevent this abuse of the right of suffrage by the inspector?—A. The other supervisor who was present also spoke to him.

Q. You had occasion several times during the day to act in your official capacity in order to preserve the freedom of the ballot there, had you not?—A. I had.

Q. No doubt, so far as that ward was concerned and your own observation of the way the election was conducted, you found the supervisors very serviceable, did you not?—A. Without being at all egotistical, I say yes.

Q. Nobody else tried to prevent abuses in these instances but the supervisors ?—A. I saw no effort made.

Q. Have you not reason to think that if the supervisors had not been present in their official capacity there would have been considerable bulldozing or intimidation practiced there ?—A. I cannot say.

Q. It was attempted, as it was ?—A. It was attempted.

Q. And but for your interference would have been successful ?—A. Yes, sir.

Q. It was attempted and you reproved it ?—A. It was attempted and I reproved it.

Q. And you called on the police to come forward and put a stop to it ?—A. I called on the police to come and stop the hinderance to voters in voting.

Q. In perfecting the registration of voters before the election, you found occasion for your services and, notwithstanding the efforts of the city authorities, you found large occasion for the services of the supervisors ?—A. I did not find large occasion but I found some occasion.

Q. How long before the election were you appointed ?—A. Some two weeks.

Q. Did you spend a large part of the time of those two weeks in the effort to ferret out errors and correct the list ?—A. I did.

Q. Pretty much all the time ?—A. No; not all the time.

Q. The larger portion of it ?—A. The major portion.

Q. Who was the other supervisor there ?—A. James J. Sullivan.

Q. Was he appointed for the same time that you were ?—A. He was.

Q. The supervisors were of different parties ?—A. Yes, sir.

Q. You were the Democrat and Sullivan was the Republican ?—A. Yes, sir.

Q. You were paid for your services ?—A. Yes.

Q. Did not Sullivan charge for as many days as you did ?—A. That I could not say.

Q. How many days did you charge for ?—A. Thirteen days.

Q. And you were appointed two weeks before the election ?—A. Yes, sir.

Q. Then you charged for nearly every day. Of course, then, you were engaged substantially every day ?—A. I was. In saying that I was appointed two weeks before the election; I would say that it may have been more than that; the exact time has now slipped my memory.

Q. Did you serve on every one of those days ?—A. I actually served a portion of every one of those days.

Q. That makes twenty-six days that two intelligent men gave to the rectification of that list in that precinct, in addition to all that was done by the city or State officers under State law ?—A. Yes, sir. We took the list as it was received after being arranged by the city authorities.

Q. You took the list as it was received after being arranged by the city authorities and still you found all these outstanding errors. Were there marshals in that ward ?—A. There was one marshal to each precinct.

Q. Was there occasion for their services also ?—A. In the precinct to which I refer there was only one occasion.

Q. That was during election day ?—A. That was during the election day, when the arrest was made.

Q. You had occasion to call upon them. There was, of course, the liability that they would be needed ?—A. Of course there is a liability of anything.

Q. Do you not think, so far as that precinct was concerned, these elec-

tion laws were very serviceable in securing a fair election? I speak of that single occasion. In that instance, where you had experience, do you not think that your services and those of the marshal on the day of the election, under the election law, were very serviceable and useful in working out a fair election?—A. So far as preventing one illegal vote being cast and in securing one or two other votes, I presume they were serviceable.

Q. That is all in the interest of a fair election?—A. Certainly.

Q. Then you can answer the question without a qualification?—A. I did as to those one or two instances.

Q. The supervisors did no harm that you are aware of?—A. No, sir.

Q. You and the other supervisor jointly worked twenty-six days?—A. Yes, provided he put in the same number of days that I did.

Q. Are you the Mr. Fynes who made an affidavit that is in print in the records of the committee?—A. Yes, sir.

Q. Are you acquainted with this Mr. R. M. Thompson?—A. Yes, sir.

Q. What is his standing in society?—A. Very good, I presume. He was then a member of the lower branch of our city government, the common council.

Q. Where is he now?—A. In the city, I presume.

By Mr. McDONALD:

Q. You and your colleague returned what you understood to be seven erroneous registrations?—A. Yes, sir.

Q. And upon that return seven warrants were issued?—A. Five warrants.

Q. Of the five warrants issued there was only one served because there was only one of the seven who came up to vote?—A. Yes, sir.

Q. These seven whom you reported were persons who could not be found by you in your search and were returned by you as erroneously upon the registry. They might have moved away from their residences or been out of the city or State for aught that you know, as there was only one of them who came up to vote on the day of the election?—A. The complaint as to that one was that he was not qualified under the reading and writing amendment.

Q. How many voters were there in the precinct which you and your colleague investigated?—A. I think somewhere between five and six hundred; about five hundred, I think.

Q. So that, of the five hundred names on the registry, you found seven that you could not find in that district?—A. We found more than those, but according to the judgment of the chief supervisor, there were only five cases in which warrants should issue.

Q. There were only five who were erroneously upon the registry and for whom, in the judgment of the chief supervisor, warrants were issued, and of those warrants only one was served and that was upon the negro who could not read or write?—A. Yes, sir.

By Mr. BLAIR:

Q. What was the name of the man who was challenged and who voted afterwards?—A. Richard Winn.

Q. He was challenged but afterward allowed to vote?—A. Yes, sir; the challenge was withdrawn.

Q. By whom was the challenge made?—A. By Mr. Thompson.

By Mr. PLATT:

Q. Upon the man giving evidence that he could read and write, Mr. Thompson withdrew the challenge?—A. He gave no evidence of the

kind. He put his ballot in the envelope and his name was put on the envelope.

Q. What was he challenged for?—A. On the ground that he could not write.

Q. Then he did write?—A. Mr. Thompson insisted that he should write, and I told him that he need not comply with that; that he might have his name put on his ballot and have it deposited at his peril; that that was his right according to the law. It was done. Then, subsequently, Mr. Thompson withdrew the challenge.

Q. Has the law been changed somewhat in that respect?—A. I am not aware that it has been.

Q. Down to last year, a man was compelled to write his name, if challenged, was he not?—A. I cannot say about that.

Q. Mr. Thompson became satisfied that the man had a right to vote, and withdrew the challenge?—A. He did.

Q. You protected the man in his right to vote, as you understood it?—A. Yes, sir.

JAMES J. SULLIVAN sworn and examined.

By the CHAIRMAN:

Question. What position did you occupy at the time of the November election of 1878?—Answer. That of Federal supervisor.

Q. Where?—A. In ward nine, precinct three.

Q. You were appointed by whom?—A. Commissioner Hallett.

Q. Are you a Republican?—A. My politics have—well, I have generally been a Democrat.

Q. When you were performing your official duties, did you know anything of what occurred in regard to a colored man at the polls?—A. I was directly behind the ballot-box when August Cheresty, an inspector of election appointed by the city, spoke to another colored man, some friend that he knew, who came up to deposit his ballot. Both he and Mr. August Cheresty were colored men. The man had his ticket out so that it could be seen, and Cheresty said to him, "You are not going to vote that ticket, are you?" The man replied, "Yes, I am." Cheresty then said that the man should not vote for General Butler. The man said that he should vote for him. Cheresty said, "Well, you won't vote for Leopold Morse." The man replied, "I certainly shall." Cheresty offered to get him a paster or to scratch Morse's name off, but the man would not agree to it. I then told the inspector that it was not his duty to question the man at all as to how he should vote or give him any instructions whatever.

Q. What did he say?—A. He replied to me that he did not think it did any harm, but that he was ignorant, and apologized. I said that if it occurred again I would arrest him, and send him off to Commissioner Hallett.

Q. Both were colored men?—A. Yes, sir.

Q. Were you with Fynes, in the same precinct?—A. Yes, sir.

The CHAIRMAN. It is not necessary, then, to go over the points covered by the testimony of the preceding witness.

By Mr. PLATT:

Q. Do you say you are a Republican?—A. Yes, sir; I have been one.

Q. When did you become a Republican?—About two years ago, or a little before that, on municipal politics.

Q. Up to that time you had been a Democrat for some time?—A. Yes, sir.

Q. At the time you were appointed, you had not for some years voted a Republican ticket at a State election?—A. No, sir; I voted for Gaston, and I considered him a Republican. He is not a Democrat.

Q. There was a Republican running against him, was there not?—A. That may be true.

Q. Do you know how you happened to be appointed?—A. Yes, sir; very well; it was through the chairman of the Democratic and Republican executive committees.

Q. Did they know that you had always been voting the Democratic ticket up to two years ago?—A. Yes, sir; they knew me perfectly well, both of them.

Q. The election that you have been speaking of is that of 1878?—A. Yes, sir.

Q. Were you a Republican since?—A. That would depend upon circumstances.

Q. As far as heard from, are you not going to vote for General Butler?—A. I think I shall, if I live long enough.

Q. Upon what circumstances does it depend whether you will vote for Butler or not?—A. If I live long enough, and General Butler is a candidate, I shall vote for him.

Q. Did you vote for him last year?—A. No, sir.

Mr. PLATT. Then he is going to have a gain of one in that precinct.

THOMAS GRIMES sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. In South Boston.

Q. State how long you have been a citizen there. [After inspecting the naturalization paper produced by the witness at this point and hereinafter inserted.] This paper appears to certify that the witness was admitted to citizenship on the 4th of November, 1850, before the Hon. Peter O. Thacher, judge of the State superior court. [To the witness.] You have been a citizen since 1850?—A. Yes, sir.

Q. Were you called upon at your residence in the latter part of October, last year; and, if so, for what purpose?—A. I was called upon there by Mr. Waters.

Q. Who did he say he was?—A. He said that he was an officer. He said that he had power to take me. He asked me, "Can you read and write?" I replied, "No, I cannot." "What business," he asked, "has your name upon the voting list?" "I don't know," I replied; "it is on every year, and I do not see why it would not be on this year." "Well," he said, "it has no right to be there at all; you are no voter; you were never naturalized, and you have no business to have a vote." "You are a liar," I said; "I have, and I was a voter before you were one." So I was.

Q. What did Mr. Waters say his office was?—A. He said that I would not say he was an officer, and he said, "Look at that, Grimes; I can take you now." [The witness here, by way of illustrating the action spoken of, turned over one of the lapels of his coat.] I told him, "You have no authority to take me. I know you have not." Then he told me to appear before Commissioner Hallett. "If Commissioner Hallett wants me," I said, "I shall appear." He went as far as the door;

we talked about going, and, as he went out of my door, I went out and stood with him. There were some men outside the door. Waters said, "Grimes, if you want billying," and he pulled out a large billy to billy me. He did it in this way. [Indicating.] He went away, and the next thing was that I was notified twice not to appear at the polls; that if I would I would be punished. I threw the notices away and went to the polls. Mr. Guild, I believe it was, said, "No; hold on; you can't vote." "You recollect what you have done," I said "remember, you have stopped me from putting my vote in." "Hold on," he said again; and he was procuring a gentlemen with a warrant for my arrest. He then opened the box and said, "Now you can vote." So I voted anyway. Then there was a warrant for my arrest, and they took me as a prisoner over here to Commissioner Hallett. I suppose if it had not been for the color of my hair they would have handcuffed me coming over. I asked Commissioner Hallett what he wanted with me; what was the reason of my being brought over. He said he did not know that, but I should have called to see him. "What business," I asked, "had I to call to see you, or what business has any citizen to come here before the vote is received?" Then I went back to the polls.

Q. You were then dismissed from arrest?—A. O, certainly, I was dismissed. He did not know what I was brought over for.

Mr. McDONALD. Did you?

The WITNESS. No; nobody knows.

By the CHAIRMAN:

Q. How long have you been in the country?—A. I have been about forty years in South Boston.

Q. What property do you own there?—A. A house and four lots of land. I have owned more, but, like others, I am getting old.

Q. Have you paid taxes on this property regularly?—A. Always.

Q. How long have you been paying taxes while a citizen there?—A. About thirty-five years, I think.

Q. Those taxes were upon your real estate?—A. Yes, sir.

Q. Have you a family?—A. I have.

Q. You have a large circle of acquaintances there, have you?—A. I have.

Q. What is your business?—A. I am now in the liquor business. I have always been a ship-sawyer. I have been in the liquor business for some years.

Q. What did this man Waters say that his office was, that of a deputy marshal?—A. That he was an officer, and had every right to take me. He showed me his badge. "No," I said; "you have no right to take me at all."

Q. Did he read a warrant to you?—A. No; he had no warrant with him.

Q. When they brought you over to the commissioner, had they any warrant?—A. The officer who brought me over had no warrant. He did not read any warrant to me.

Q. You were at once discharged?—A. Yes; the commissioner did not know what I had been brought there for.

Q. You had been notified?—A. I was notified several times that if I attempted to vote I would be arrested.

Q. You were a voter before the adoption of the reading and writing amendment to the constitution?—A. Yes, sir.

Q. As such, you were entitled to vote, whether you could read or write or not?—A. I was.



Q. You had then voted some six or seven years before the amendment of 1857 was adopted. The amendment was adopted in May, 1857, and everybody then qualified to vote was entitled to vote thereafter without regard to the qualification imposed by the amendment. What was the charge that was made against you in the warrant that was sworn out against you?—A. I did not hear it read. A man in the hall said that he had a warrant. He was called for by the officer, and they had a warrant for my arrest, but I did not ask him to read it for me. So he delivered me up to Commissioner Hallett.

Q. Who challenged your vote?—A. Mr. Guild. He did not particularly challenge it; he said, "No, hold on," and shut the box. Then I could not vote. "Remember what you have done," I said; "you have done a very serious thing; you have stopped me from voting, and I shall not vote now; you have done very wrong." He inquired for the gentleman who had the warrant, and as soon as he procured him he said to me, "Vote now," so I voted.

Q. Then they arrested you?—A. Then they arrested me, and brought me over to Commissioner Hallett.

Q. Who gave you the notice that you must not vote?—A. I got two notices. I do not know from whom they came.

By Mr. McDONALD :

Q. Did the officer who came to your house ask you if you could read or write?—A. Mr. Waters asked me, and I told him no.

Q. Then he told you you had no right to vote?—A. He told me that I had no right to vote. And I was far worse hurt by his saying that I was no citizen and had no right to vote than I would have been if he had put his billy upon me. I thought I had never heard worse in my life than to be accused of not being a citizen.

Q. You had been voting here from the time you were naturalized, in 1850?—A. Yes, sir.

[NOTE.—The naturalization paper presented by the witness is as follows, the parts in italics being in writing and the remainder a printed form:]

[SEAL OF SUPERIOR COURT.] COMMONWEALTH OF MASSACHUSETTS, Suffolk to wit:  
To all people to whom these presents shall come, greeting:

[Int. rev. (S. Ct.) stamp—  
marked:  
E. H. U.  
Aug. 30, 1865.] Know ye that at the *municipal court of the city of Boston*, begun and holden at Boston aforesaid, within and for the county of Suffolk, on the first Monday of November, being the fourth day of said month, in the year of our Lord one thousand eight hundred and fifty, before the honorable Peter O. Thacher, judge of said superior court, *Thomas Grimes*, of Boston, in the county of Suffolk, formerly of Dublin, Ireland, was admitted to become a citizen of the United States of America, according to the acts of Congress in such case made and provided, as appears of record.

In testimony whereof I have hereunto set my hand and affixed the seal of the superior criminal court, at Boston aforesaid, the thirtieth day of August, in the year of our Lord one thousand eight hundred and sixty-five.

F. H. UNDERWOOD.

Clerk of said Superior Court and having custody of the  
Records of said Municipal Court.

[On the outer fold of the paper:]

Copy. Final certificate of naturalization granted to *Thomas Grimes*. By the superior court. Aug. 30, 1865.

Mr. BLAIR inquired at what date the educational test imposed by the amendment to the constitution took effect.

The CHAIRMAN. It took effect on the 1st of May, 1857, and expressly excepted from its operation all who were then at the polls. The certificate of the witness, in the body of it, shows that he was naturalized in November, 1850; the date of the certificate itself is subsequent.

By Mr. PLATT.

Q. When did you vote in Massachusetts?—A. My memory does not enable me to say. I was very anxious to be a voter after coming to this country.

Q. Do you remember for what President you first voted?—A. No, sir.

Q. You got the paper that you have here in 1865?—A. I am getting old, and my recollection, like my sight, is getting very poor. The paper shows for itself.

Q. Did you ever have any naturalization paper except this one?—A. I did. I worked in the navy-yard a great part of my time, off and on, and they were very particular at some elections about the men being citizens. This paper is a copy of my paper, the one that I had which I used to bring in at election times.

Q. What became of the paper that you first got?—A. I lost it, or it got worn; I could not say which.

Q. How long was it before you got the paper here, that you lost—the other paper?—A. I do not remember.

Q. You had voted, then, before you got this paper?—A. Yes.

Q. You cannot, as a matter of fact, read or write?—A. No.

Q. Was this Mr. Waters a police officer?—A. He was a deputy officer, I think, here at the election.

Q. Did you have any controversy or old trouble with him in any way?—A. He told me that he had trouble with me before, and that he was going to have more trouble with me.

Q. You had some trouble with him before?—A. I am in the liquor business, as I told you, and—

Q. I do not ask what the trouble was, but only whether there was some old matter between you?—A. It was nothing particular—nothing more than that he was a constabulary of the State; and that is all that I know of it.

Q. There had been some hard words between you when he was a State constable?—A. Never but once.

Q. You sold liquor, did you?—A. O, yes; I do now.

Q. And he threatened to prosecute you, or something of that kind—perhaps did prosecute you?—A. Yes.

Q. Did you tell this Waters that you were an old voter, and was one before the constitution was changed?—A. I told him that I was a voter before he was, and so I was; and I told him, also, that my name was always on the election-list when the election time came, and he knew it.

Q. Did you see Commissioner Hallett when you went over to his office?—A. I did.

Q. Then he said it was all right?—A. He did not know why I was brought at all. He said I should have called to see him.

Q. If you had called to see him when Waters called to see you, there would not have been any trouble, would there?—A. I do not believe it was the business of every voter to call around to Commissioner Hallett's or anybody else's. I never was asked before to call on Commissioner Hallett or anybody else that I know of. No, sir; I never knew of such bull-doing and such work in my life.

ANDREW CLANCY sworn and examined.

By the CHAIRMAN:

Question.—Were you in the neighborhood of the old gentleman's (Mr. Grimes's) place when Mr. Waters came there to arrest him?—Answer. Yes, sir.

Q. State what you saw occur there.—A. Mr. Waters said that Mr. Grimes was not a voter—that he had no business to vote, and never was naturalized.

Q. Where were they at that time?—A. They were standing out in the street.

Q. What did Mr. Grimes say to him?—A. Grimes told him he lied; that he was a voter before Waters was.

Q. What then occurred?—A. Somebody sung out from across the street, when Waters pulled out a billy, and told Grimes he would give him all the billying he wanted.

Q. What did the old gentleman say then?—A. He told Waters to go ahead and billy him.

Q. Did Waters billy him?—A. No, sir.

Q. What did he do?—A. He shook the billy in Grimes's face.

Q. Did he take the old gentleman along with him?—A. No, sir.

Q. How did they part?—A. Waters showed him a badge, told him he wanted him. Grimes said he would not go, and Waters then went out in the street.

Q. Had Waters a paper that he showed to the old gentleman?—A. No, sir.

Q. Did he read anything to him in your hearing?—A. No, sir.

Q. At what time in the day was this?—A. I guess it was between three and four o'clock in the afternoon.

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JAMES H. DAILEY sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. In Cambridge.

Q. State whether you know anything, and, if so, what, about an occurrence in October, 1878, in reference to political influences brought to bear upon employes at work upon the United States post-office building.—A. On the evening of October 22, I think it was, Isaac Buckmeyer, (it is given as Birkenmeyer in the printed report of the committee) told me that on that morning Mr. Badger, the janitor of the building, had threatened to discharge him if he voted for Butler. That called to my mind a circumstance that happened about the 4th of September, when I was in the building, drawing my pension. Mr. Badger, or a man who was shown to me by one of the workmen in the building as Mr. Badger, in conversation with another man, referring to the campaign, said that they would not allow any Butler men in that building, and if any man voted for Butler and the fact was found out he would be discharged.

Q. What did Buckmeyer tell you about making a statement in regard to that matter?—A. I wanted him to write out a statement of the facts as he had given them and to swear to it. I took him into a lawyer's office for that purpose, and, while I was preparing a statement, he weakened. He told me that he did not dare to do it; that he did not want to get Mr. Badger into trouble; that he did not want to get himself into

trouble, and was afraid that he would be discharged if he made any statement to that effect.

Q. Is he still in the employ there?—A. I think he is. Several of the employes who worked on the extension afterwards told me that they were threatened by Mr. Estey and men under his charge.

Q. Who is Mr. Estey?—A. He is the architect of the building.

Q. They were threatened for what?—A. Because they were Butler men, and for talking in favor of the election of Butler.

Q. Is the work upon that building still going on?—A. I think it is.

Q. Did you know Buckmeyer before that?—A. No, sir.

Q. Is he a German?—A. He is a colored man.

Q. What position does Badger hold?—A. He is janitor of the building.

By McDONALD:

Q. Is that of which you speak a government building in process of erection here in Boston as a post-office building?—A. Yes, sir; Buckmeyer worked as a porter in the post-office; the other men worked on the extension. Those men told me that men under Estey had warned them. One man in particular, named James Foley, came to me about the first of November and told me he had been discharged because he was a Butler man. I asked him why he thought so. He said that a Mr. Brown, a time-keeper or clerk or something of that kind, came to him and told him to be careful about what he said in regard to Butler, because Mr. Estey and Mr. Estey's bookkeeper or clerk had told him that all the Butler men would be discharged. This Mr. Brown warned him of it in a friendly way. Other men who worked there but whose names I was unable to find out told me the same thing in substance.

Q. Did you know any men who were working upon that extension at the time of that election who voted for Butler?—A. No, sir.

By Mr. PLATT:

Q. What is your business?—A. I am a bricklayer.

Q. What were you doing about October or November of last year?—A. I was not doing anything.

Q. Were you taking an interest in politics?—A. Yes, sir.

Q. For whom?—A. For myself.

Q. Were you running for an office?—A. No, sir.

Q. For whom were you interested?—A. I was interested in the election of General Butler.

Q. How came you to make the affidavit that you did make and which appears here in the committee's book?—A. I was requested to look into the matter.

Q. By whom?—A. I do not care to tell by whom.

By the CHAIRMAN:

Q. State who it was.—A. Mr. McDavitt asked me if I would look into the matter.

By Mr. PLATT:

Q. You got Buckmeyer up into a lawyer's office?—A. Yes, sir.

Q. What lawyer's office?—A. Mr. Hadley's.

Q. There you prepared something for him to sign?—A. I was preparing it.

Q. Was the lawyer writing it out for you?—A. I was.

Q. Then he weakened on it?—A. Yes, sir.

Q. Did he say it was not so?—A. No, sir; he said he was afraid to subscribe to it.

Q. Do you not know that he has said it was not so?—A. I have seen an affidavit purporting to come from him or a copy of one in some newspaper.

Q. In which he denies this statement?—A. Yes, sir.

Q. You say it called to your mind another instance which took place earlier. I did not quite catch your remark, as there was so much noise here. What was that?—A. I was in one of the corridors of the post-office building, sitting in one of the windows, about the 4th of November, and there were two men in conversation close to me talking about the campaign. One of them asked the other what he thought Butler's chances were. The other said he thought they were kind of slim. The first man said "I should think you would be a Butler man." The other answered "I ain't, and we shall have no Butler men in the building; if there are any men here who are known to be Butler men, they will be discharged." That was the substance of it.

Q. Do you know who that man was?—A. One of the men who were working there sweeping up told me it was Mr. Badger, the janitor. Another man has since told me it was Mr. Badger, the janitor.

Q. You overheard two men talking together, and somebody, you do not know who, and somebody else, you do not know who, told you that one of the men was Mr. Badger?—A. Yes, sir.

Q. Badger you understand to be the janitor of the building?—A. He is employed by the custodian of the building, who at that time was Mr. Haven.

Q. Is this post-office building a government building?—A. Yes, sir.

Q. Who is Mr. Haven?—A. A sub-treasurer of the United States.

Q. Who is Mr. Estey?—A. The supervising architect of the post-office extension.

Q. Did you ever hear Mr. Estey say anything about this?—A. No, sir; I don't know Mr. Estey at all.

Q. Have you any knowledge of your own or any except what has come to you through this outside talk, that Mr. Estey has ever said anything about discharging, or has discharged, anybody?—A. No, sir.

Q. You do not know anything personally of that matter?—A. A man swore, took his oath in my presence, that he was warned to be careful about his expressions.

Q. By whom?—A. By Mr. Brown, who was employed there.

Q. Was Mr. Brown the bookkeeper for Mr. Estey?—A. He is clerk or bookkeeper or something under Mr. Estey.

Q. Employed by Mr. Estey?—A. Yes, sir; I do not know that, but I have heard it.

Q. Where was the man from whom you heard that when you did hear it?—A. In Mr. Hadley's office.

Q. Did you make it your business to get the man of whom you have spoken to make his affidavit?—A. No, sir; the man was told that I was making it my business to hunt up cases of that kind, and he came to me. He was looking for me.

Q. What is that man's name?—A. James Foley.

Q. You took an interest in hunting up and getting these affidavits at the request of Mr. McDavitt?—A. No, sir; he requested me to look into one particular case at the post-office.

Q. And as to the rest of it, you went on your own hook?—A. Yes, sir; I considered that it was my duty to hunt up all the cases of that kind that I could.

Q. Did you find any others than these two?—A. I have heard of other cases. Yes; I did find one case where a man was discharged.

Q. Who was that?—A. It was a Mr. O'Connor, of Cambridge. He is here himself.

By Mr. McDONALD :

Q. You say you were drawing a pension. Were you a soldier?—A. Yes, sir.

Q. For what length of time were you a soldier?—A. About four years and four or five months; from July, 1861, to November, 1865.

Q. You were in for the whole war, then?—A. Almost.

Q. Are you drawing a pension because of disability caused by wounds?—A. For wounds; yes, sir.

Q. You took an interest in Gen'l Butler's election?—A. Yes, sir.

Adjourned.

BOSTON, August 18, 1879.

FRANK KENNEDY recalled.

By the CHAIRMAN :

Question. State whether you had a conversation in October or November, 1878, in a barber shop, with Mr. Chase, of whom you spoke before; and, if so, what that conversation was.—Answer. The conversation was not between Mr. Chase and myself.

Q. State what you heard said then.—A. Early in the campaign, before the Mechanics' Hall convention was held, I was sitting in the barber shop, one or two others being present, and Mr. Chase, I think, was having his hair cut, when a conversation occurred in regard to the probable nominee. The barber who was working on Mr. Chase was speaking about General Butler.

Q. Give his name?—A. John Stevens.

Q. Is he white or colored?—A. White.

Q. Proceed.—A. He said that he would vote for Butler any way. Mr. Chase replied that he did not believe that Stevens would. The barber asked him why. Chase said, "You know which side your bread is buttered on." It made a general laugh. Afterwards Mr. Stevens, when speaking to me about voting, said he did not think it would be safe for him to vote for Butler, because he had a good place there in the shop, was working in the mill and the shop both, and thought if he voted for Butler he would lose it. In that conversation I told him he had better not vote at all. I told him his vote would be challenged. He wanted to know why. I did not tell him. The reason was that his name was on the list as a voter in the same town in Connecticut in which I was a voter. The town is Killingly, Connecticut. His father resided in Killingly.

Q. Did you have any subsequent conversation with him?—A. Yes, sir.

Q. What was that?—Previous to this, he and I had another conversation, in which he told me he thought he would vote, and that he could make a little something by it. He said he could have ten dollars and a sure thing for work all winter if he voted for Talbot. I asked him if he would get it before he would vote. He replied, not until afterwards. I inquired, "if there is no difference between the ballots, how are they going to know that you vote for Talbot?" He replied, "Each of the ones who will receive ten dollars will have a private mark on his ballot, and if the ballot does not have that mark they will not receive the money."

Q. Was the ballot to be voted open or in a sealed envelope?—A. In a sealed envelope. That was the object in getting the ballots on election day, to see if they had any marks upon them. I told Mr. Staples of this conversation, and afterwards we met Mr. Stevens in another barber shop where he was getting shaved, when Mr. Staples began to speak about not caring which way he would vote, in order to draw Mr. Stevens out. He said that five dollars would buy his vote either way, and Mr. Stevens said he would get him ten dollars if he would vote for Talbot. The barber was present at the time and another man whose name I do not now remember.

Q. Did Stevens say anything about when the money had arrived?—A. He said it had come to town on the night that Mr. Long was there.

Q. Who was Mr. Long?—A. The candidate for lieutenant-governor.

By Mr. BLAIR:

Q. What do you say Stevens said about the money?—A. He said the money arrived in town on the night that Mr. Long was there.

Q. Where was Stevens working; who owned the shop?—A. He worked in the weave-shop of one of the mills of the Manchaug Company, and ran the shop connected with the store.

Q. He ran the shop in the company's building and was working for the company?—A. Yes, sir.

Q. Do you know how Stevens voted?—A. Yes, sir; he voted for Talbot.

Q. Had you known what were Stevens's politics before that?—A. He told me that he wanted to vote for Butler, and would, if he dared to; I told him at that time, or shortly afterwards, that I had been back to Connecticut, that he had no right to vote in the town, and I would see that his vote was challenged if he voted either way.

By Mr. PLATT:

Q. Did you say that you had been in the music business?—A. Yes, sir.

Q. Where?—A. At Danielsonville, Connecticut.

Q. What was the name of the concern?—A. The Kennedy Brothers.

Q. Was one of them put in jail for swindling in connection with that concern?—A. No, sir.

Q. Did either you or your brother spend some time in Windom County jail?—A. Yes, sir.

Q. Which was it?—A. Both, for a short time.

Q. Did you not run away from Connecticut to avoid being punished for your crimes in connection with that establishment?—A. No, sir.

Q. Which staid in jail the longer, you or your brother?—A. My brother.

Q. Did you leave at about the time your brother was put in jail?—A. No, sir.

Q. Was your brother in jail while you were up at Sutton and Manchaug?—A. No, sir.

Q. When did this happen that you both were put in jail down in Windom County?—A. It was a year previous to this time.

Q. Had you been engaged in any business after that, and before you were up in Manchaug?—A. Yes, sir.

Q. In what?—A. Traveling in the music business.

Q. Traveling in the music business?—A. Yes, sir.

Q. At whose instance were you put in jail?—A. I could not say; I could not give the names of the firms; there were three or four of them.

Q. Was one of the firms that of Mason & Hamlin, of Boston?—A. They were one of them, I think, in my brother's, not in my case.

Q. What firm was instrumental in putting you in jail?—A. The New Haven Organ Company; they are the ones who paid me damages since to settle the affair.

By Mr. McDONALD :

Q. To settle the false imprisonment?—A. Yes, sir.

By Mr. PLATT :

Q. Let us know a little about that; how much did they pay you?

By the CHAIRMAN :

Q. Detail the circumstances concerning it?—A. The man who brought the case—

Q. What did he bring it for?—A. I do not recollect much of the particulars; that is some time ago; the claim which was brought was not sustained, however; in the trial, the case was not sustained; we beat them in the case.

By Mr. PLATT :

Q. You beat the New Haven Organ Company?—A. Yes, sir; beat all the companies that brought any cases.

Q. What damages did the New Haven Organ Company pay you?—A. I received two organs from them, from one of the members, one who was instrumental—

Q. What is your answer?—A. I received two organs from one of the company to have no further trouble about it.

Q. What is the name of the man who gave you those two organs?—A. I cannot think of his name now; he is not connected with it at the present time.

Q. Was he then?—A. He was at the time.

Q. Where did he live?—A. He lived in New Haven.

Q. Was there any suit for false imprisonment?—A. No, sir.

Q. Who was your attorney?—A. Thomas E. Graves.

By Mr. BLAIR :

Q. You know nothing more than you have stated in regard to this man Stevens receiving any money, or how he voted, do you?—A. No more than I saw him put in his vote and saw it challenged.

Q. Did you challenge it?—A. No, sir; I had no right to.

Q. You were not a voter in the town?—A. No, sir.

Q. You procured it to be done?—A. I told my father that Stevens's name was on the list in Killingly, and he challenged his vote.

Q. Did the man vote?—A. Yes, sir.

Q. You do not know how he voted?—A. Yes, sir.

Q. You saw him put it in the box?—A. Yes, sir.

Q. This other man who said he would vote either way for five dollars, how did he vote?—A. He voted for Butler.

Mr. BLAIR. Butler voters for five dollars and Talbot voters for ten dollars, is that it? That is all.

By Mr. PLATT :

Q. Where is this man Stevens now?—A. I do not know.

Q. Do you know that he is not in Manchaug?—A. I do not; I supposed that he was there.

By Mr. McDONALD :

Q. The statement last made by one of my colleagues about Butler



votes being five dollars, you do not assent to, do you ?—A. No, sir; he did not put it in the form of a question or I would have explained in regard to it.

Q. He made a statement to which you do not assent ?—A. I do not; this man who said he would vote for five dollars was drawing Stevens out at the time; afterwards he got mad and gave his opinion.

Q. He wanted to see whether Stevens would give him ten dollars ?—A. Yes, sir; he wanted to ascertain himself how that was.

Q. How long had you been in business in Connecticut before the proceeding was begun against you on the charge of fraud ?—A. Two years or more.

Q. The organ company in Connecticut commenced the proceeding ?—A. Proceedings were commenced against my brother first.

Q. Had he been in business there before you went in with him ?—A. No, sir; he had been buying; he was the bookkeeper, and used his name on the notes of the firm.

Q. He signed the notes ?—A. Yes, sir. The New Haven Organ Company was an exception; they required no notes, they sold on the firm's name.

Q. They had you arrested upon a charge of fraud ?—A. Yes, sir.

Q. You say they were defeated on all the suits, all through ?—A. Yes, sir; all the companies were.

Q. After they were defeated in the suits, then the question of damages was compromised between you and the men who stood out the proceedings ?—A. Yes, sir; and in one case against me, the assignee of the estate settled for all the others with him.

Q. The assignee of which estate ?—A. The Kennedy Brothers' estate. He paid me \$400 in cash, gave me a power of attorney to settle the estate up, and we got our discharge without costs in consideration that we would bring no suits for damages for false imprisonment. What he paid my brother I don't know.

Q. You are living still in that same place ?—A. I am living in the same county.

Q. And are in business again ?—A. My brother is; I am not.

Q. What was the name of the assignee ?—A. Milton A. Shumway, of Danielsonville.

Q. Who was the attorney who acted against you ?—A. Milton A. Shumway.

Q. He was attorney and assignee ?—A. Yes, sir.

By Mr. BLAIR:

Q. Was there any trial on those suits for fraud ?—A. There was an examination.

By Mr. McDONALD:

Q. As I understand it, the proceeding was one instituted in bankruptcy ?—A. It was before the proceeding in bankruptcy. It was a proceeding in a case of insolvency under the State law. It could not be brought under the bankrupt law in that way.

By Mr. BLAIR:

Q. You and your brother were arrested and put in jail ?—A. Yes, sir.

Q. Who bailed you ?—A. We furnished bail to the amount of \$40,000 but they kept raising the bail, when we surrendered our bail, stood trial, and went to jail.

Q. You say there was an examination ?—A. Yes, sir.

Q. Before what tribunal?—A. It was before the judge of the superior court of this State.

Q. How lengthy an examination was there?—A. It lasted all of one day.

Q. Were many witnesses called?—A. Yes.

Q. Was this accusation of fraud discussed or tried?—A. Yes, sir; they wished to prove it. That was the only thing.

Q. The decision of the judge was what?—A. There was no cause for action. However, we were discharged from arrest; that was the result.

Q. What was the next proceeding?—A. The next proceeding was in bankruptcy.

Q. Did you go into bankruptcy voluntarily, or upon the petition of your creditors?—A. Upon the petition of our creditors.

Q. What was the amount of the estate of the Kennedy Brothers?—A. For liabilities?

Q. No; the estate itself, the assets.—A. I think it was about \$6,000.

Q. What was the amount of the debts?—A. From twelve to fourteen thousand dollars.

Q. As finally proved?—A. Yes, sir.

Q. The assets were distributed, were they?—A. I believe so.

Q. Do you know what amount was paid on the dollar?—A. I do not.

Q. You obtained your discharge?—A. Yes, sir.

Q. The assignee paid you how much, you say?—A. Four hundred dollars in cash.

Q. Did you give a receipt for it?—A. I believe I did. If not, I have memoranda of the times and the ways in which it was paid.

Q. For what was the payment made—in adjustment of what?—A. It was an adjustment between the assignee and the creditors who were instrumental in bringing about those first proceedings. It was an agreement between us that they would see that our discharge was granted and I should bring no further action against them.

Q. You proposed to go on and litigate in a way that would have used up all the assets there were, did you?—A. I had nothing to do with the estate.

Q. You proposed to bring action?—A. I proposed to bring action for false imprisonment, not against the estate.

Q. Exactly, but it was likely to involve a great mass of litigation?—A. I suppose probably it would have, if they had defended it.

Q. It might not have involved the estate, but it would have involved the men who were interested in the estate. There the matter was adjusted very abruptly, was it not, in that way?—A. It was adjusted when I received the money. And in my discharge I considered—

Q. How long did this proceeding last, from the time you were arrested until you obtained your discharge?—A. Those proceedings of which we are now speaking were in the present year.

Q. These in bankruptcy?—A. No; these negotiations for settlement made by the assignee with me and some of the creditors.

Q. They were all prior to your receiving your discharge, were they not?—A. It was a condition that we would receive our discharge. They were not fulfilled until the discharge was received.

Q. When was the discharge received?—A. I could not give the date. I think it was in February.

Q. This last February?—A. Yes, sir.

Q. Have there been any negotiations between you and these creditors you speak of since you received your discharge?—A. In what way?

Q. Of any description whatever.—A. I have been trading with them, some of them, to-day.

Q. When was the \$400 paid you, before or after you received your discharge?—A. Part of it before. I do not know but all of it before; it was right in that neighborhood.

Q. And you are now in business again?—A. No, sir; I am not.

Q. I understood you to say that you had been trading with them.—A. I have been trading with them, but am not in regular business.

Q. With which of them are you in business to-day?—A. The Emerson Piano Company.

Q. Where is that company located?—A. At 526 Washington street, I think.

Q. You also dealt with Mason & Hamlin?—A. I never had any dealings with them myself.

Q. Your brother had dealings with them?—A. Yes, sir.

By Mr. McDONALD:

Q. In the first place, proceedings were instituted under the insolvent laws of Connecticut against your brother, afterward against you, and warrants of arrest were issued on charges of fraud?—A. Yes, sir; I would explain that, when those charges of fraud were brought, they offered to withdraw them if we would go into voluntary bankruptcy, but we claimed that we were solvent at that time.

Q. You refused to do that, and upon a hearing on the charge of fraud the warrants were discharged and you were set at liberty?—A. Yes, sir.

By Mr. BLAIR:

Q. You went into involuntary bankruptcy on petition of the creditors?—A. We did not; we refused to.

By Mr. McDONALD:

Q. Then the creditors petitioned to put you into bankruptcy?—A. Yes, sir.

Q. This gentleman who was the assignee was the attorney who brought the proceedings, and he succeeded in having a decree of bankruptcy because of your failing to pay your commercial paper; was that the ground?—A. Yes, sir; but the proceedings were commenced before any commercial paper was due.

Q. That, I understand, resulted in a decree of bankruptcy against you and your brother both, against the firm?—A. Yes, sir.

Q. Your assets, compared with your liabilities, did not prove to be equal to fifty cents on the dollar?—A. Not as they were forced.

Q. But they consented to your full discharge, although your assets as they were marshaled were not equal to fifty cents on the dollar?—A. No, sir; they were not.

Q. And, in addition to that, paid you \$400 as the damages you had sustained by the false imprisonment?—A. The assignee paid me \$400 to agree not to have any more actions against his clients. He named several of them in the agreement.

Q. For \$400 you agreed not to bring suit against them for false imprisonment?—A. Yes, sir; on condition that I had a discharge without any expense.

Q. You say you have been dealing since with some of those persons who were represented in those suits?—A. Yes, sir.

By Mr. PLATT:

Q. Was the proceeding by which you got out of jail that which in

Connecticut is called "taking the poor man's oath"?—A. No, sir—well, yes, it was in one sense, but it was the second hearing.

By Mr. McDONALD:

Q. But a poor debtor's oath would not discharge you on a charge of fraud?—A. No.

By Mr. BLAIR:

Q. Were these debts all contracted at or about the same time, that is, within a short time of each other?—A. No, sir; I think not.

Q. They were running over two or three months, perhaps?—A. Some of them were running probably over two years, but were secured by paper, by collateral.

Q. But the paper was not due until these proceedings took place?—A. No, sir.

Q. You were disposing of the property meanwhile, were you?—A. Yes, in business.

By Mr. McDONALD:

Q. In the regular course of business?—A. Yes, sir; in the regular course.

MICHAEL KILDUFF sworn and examined.

By the CHAIRMAN:

Question. Were you in the service of the United States during the war?—Answer. Yes, sir.

Q. In what regiment?—A. The Forty-eighth Massachusetts.

Q. How long?—A. I served twelve months.

Q. Were you employed before the fall election last year?—A. I was employed upon the extension of the new post-office here in Boston.

Q. What were your political sentiments in those days?—A. I was always a Democrat up to last fall, and last fall I was what we call "a Butler man." I voted for General Butler.

Q. State what conversation, if any, you had with the son of the superintendent there or anybody connected with the control of the work there, what happened to you, and when it was.—A. I went to work on the post-office in the summer of 1877. I worked along, part of the summer and part of the winter, until some time in December, when we were discharged because the work had stopped. I did not get back after that until the 1st of October, 1878, and I had hard work to get back then. I had letters of recommendation from two or three different Congressmen, but they did not seem to do me any good. When I did get back, I was only kept thirteen and a half days at work, when I was discharged.

Q. What conversation had you at that time with anybody in authority there?—A. I suppose there were people there in the interest of the ring, or whoever they might be; and every word that dropped from me or the like of me was carried to them, of course. I understood from some of the men that I was going to be discharged for my political opinion, but I did not give any heed to it. I didn't know that people would look at a poor man of my kind in that light at all. I didn't think anything about it until this certain day, when certain parties came on the ground and asked two or three of us if we knew what our friend, General Butler, had done for us. I said "No." I was then told, "Well, you see, he has taken the work away from us; and, you see,

there is no use for anybody to work here who is a friend of General Butler." We were discharged that night.

Q. Who was it that said this?—A. Mr. Brown, the son of the superintendent.

Q. What had you said to him before he said that?—A. I had not said anything to him. I don't know that that excuse was directed to me any more than to any one else. There were two or three who were discharged in the same way that I was; a man named Daly, and one named Foley.

Q. Did you call upon the superintendent and architect afterwards in relation to this matter?—A. Yes. I brought a letter afterwards from Congressman Field, but it didn't seem to do me any good. The superintendent read it, handed it back to me, and this man who seemed to be running the concern, whether he was in authority or not I do not know (we understood that he was nothing more than a watchman), said to me, "How do you expect to get back when you said you were a Butler man?" I said no such thing. He went on and talked, saying, "Well, you didn't tell that party, but that party told another party, and that other party told him, and he told me." I said that I had never said so any way. I wanted to get back again, and I didn't want to commit myself any more than I could help. Mr. Brown told me, "I never care what a man's politics are; never care how he votes, or anything of the kind." He handed me back the letter.

Q. Did you get back?—A. No, sir; I never got back since.

Q. When was this?—A. A few days before the election last fall.

By Mr. BLAIR:

Q. Was it Mr. Brown who asked you how you expected to get back when you had been telling all around that you were for Butler?—A. No; that was Manley. We understood that he was nothing more than a day watchman; he seems to have all the authority there is there nowadays. He used the men in such a way that I supposed he must have more authority than he had, because when the days began to get short he cut us down to half an hour for dinner. I had been working on government works half a dozen different times, and I never knew anything less to be allowed than an hour for dinner. And then at dark we were hustled together and not let out.

Q. Was it understood there that you were pretty plain in the expression of your opinions as to whom you were for?—A. I used to explain once in a while when we would get talking. Some of the men would want to pick out of me how I was; I would say, "Of course, I am going to vote for General Butler." They would ask, "Do you belong to a Greenback club?" and I would answer, "Yes; I am one of the Greenback club." I did not think that that would make any difference with a poor man like me, because I didn't think that would be carried to headquarters.

Q. What did the son of the superintendent tell you about Butler men not working there any more?—A. He said no more than this. He asked me if we had heard what General Butler had done for us, and then said that he had taken away the work and given it to a friend of his. Of course anybody working there who was for General Butler couldn't be expected to vote for him then. I tried afterwards to get back, but it did not do me any good; I could not get back.

Q. While you were working there, was time allowed you to vote at elections?—A. Yes, sir. In 1877 I was allowed to go home to vote. The architect and superintendent, Mr. Brown, came around through the men during the day and wanted to find what wards they voted in. Those

who lived handy he sent out during the day, and those living far away at noontime. He told them to come back as soon as they could to their work. That was well enough; but when I was going out at noontime he said to me, "Kilduff, you must be back here at two o'clock." I said, "Well, I couldn't be back at two o'clock, I think, and take my dinner; I could not be back much before three o'clock, and, if it don't make any difference, I would as lief stay out the afternoon." He said, "If you do, you will lose your time; if you think you can do something for the interest of the Republican party you can take the afternoon." But I came back and went to work.

Q. Did you vote?—A. I did.

Q. You never voted for the Republican party in your life?—A. No, sir.

Q. It was this Manley, the watchman, who told you what you have stated, was it?—A. Yes, sir. I think he is a watchman; he seems to take a great deal of authority for a man employed in that line.

By Mr. PLATT:

Q. Do you belong in Boston?—A. Yes, sir.

Q. How long had you worked on the post office building when you were discharged?—A. Thirteen and a half days by the day.

Q. For whom did you work?—A. Under the superintendent, Mr. Brown.

Q. Who hired you in 1878?—A. Mr. Brown hired me on the 1st day of October, and I went to work in the afternoon.

Q. What were you doing then?—A. I dwindled down from being a stone mason to nothing, to below a hod-carrier. He put me to cleaning old brick.

Q. You started as a stone mason, and wound up with cleaning old brick?—A. I could not get anything else to do. I was not left at that, but was then set to work on a derrick.

Q. What is your occupation?—A. I worked at stone-mason work since the war.

Q. What did you work at on the day you were discharged?—A. I was working on a derrick.

Q. Did not the particular business, in which you were employed, go into the hands of a Mr. Tuttle, by contract, at that time?—A. No, sir; we had nothing to do with Tuttle's part of the work; we had nothing to do with the brick-work whatever. We were working for the stone masons then, hoisting stone up to the stone masons.

Q. What was your pay?—A. Only \$1.50 a day. That is all we ever got there.

Q. When were you discharged?—A. About the 17th or 18th of October.

Q. Was that on the very day that Mr. Tuttle took the brick-work?—A. A Mr. Tuttle had his men, perhaps, three or four days at that time.

Q. Others were discharged at the same time?—A. Others were discharged on, I think, either the 17th or 18th.

Q. Others were discharged at the same time that you were?—A. Yes; I know that two more were discharged on the same evening with me.

Q. Did any of them get back to work?—A. No; none of them ever went back to work since.

Q. Was it not a common thing for laborers to be employed on that building, to work for a short time, and then to be discharged?—A. Certainly; it is always the case in such places.

Q. Did not Mr. Brown get Foley a place with Mr. Tuttle?—A. No; I think that Foley went off to Colorado, if I remember right.

Q. He did not work for Tuttle?—A. No; I guess not.

Q. Who discharged you?—A. This Manley discharged me.

Q. Who is Manley?—A. This little watchman that they have there. He seems to be running the place altogether. He doesn't hire the men, but he will discharge them; that is, he will discharge anybody he don't like.

Q. Is he there yet?—A. I believe so.

Q. He discharged you?—A. He came up to me. I was the first man that he came to, and said, "Killduff, we don't want you here any longer."

Q. Did he tell you why?—A. No.

Q. Who was it that told you you were discharged, because you were going to vote for Butler in the November election?—A. The man didn't tell me I was discharged. He asked me if I knew what our friend, General Butler, did for us. I said, "No." He said, "He has taken the work away from us, and got it for a friend of his." "Now," he said, "you see there is no use of anybody expecting to work here who is a friend of General Butler's."

Q. He told you and the others that General Butler had got the work away from them and given it to one Tuttle?—A. Yes.

Q. Who was the man who told you this?—A. This young Brown, the superintendent's son.

Q. How long was that before you were discharged?—A. I was discharged that same night.

Q. What he said to you was that General Butler had got the work away from you and had got it for some friend of their's?—A. That General Butler had got the work away from them, out of their hands, and given it to Tuttle, and therefore those there who were friends of General Butler could not expect to work there.

Q. Did you make an affidavit and swear to these facts?—A. Yes, sir.

Q. How came you to do that?—A. I understood that parties there who were discharged went down to see certain parties here in Boston, and these parties told them to come and make an affidavit to these facts that they knew.

Q. Who wanted them to make an affidavit?—A. Those men who seemed to be interested, the men that made the affidavit themselves. They came to me and told me I should go down to a certain office in Boston and make an affidavit.

Q. Do you mean Foley and Daily?—A. No.

Q. Tell me who was the man who wanted you to go and make an affidavit?—A. I don't remember now. I don't know that anybody told me so far as that was concerned, but I kind of thought it was right for me to do it myself.

Q. How did you find out that it was right for you to go to Mr. Hadley's office and make an affidavit?—A. I don't know that I found out from anybody, in fact, except what I knew myself.

Q. Did you know Mr. Hadley, the justice of the peace?—A. No, I don't know that I did.

Q. How came you to go to Mr. Hadley's office?—A. I was brought in there.

Q. By whom?—A. By a man who wrote my affidavit.

Q. Who was that?—A. I don't know who the man was, in fact; a lawyer in the office. He brought me down into Hadley's office.

Q. Where did that man find you?—A. He found me in the office.

Q. How did you get to the office?—A. I walked down to Pemberton Square.

Q. Did you go alone?—A. I went alone.

Q. How came you to go to that office?—A. Because I wanted that General Butler should know all about this transaction.

Q. Did anybody tell you to go?—A. No; I meant that it was right only for General Butler to know all about this transaction.

Q. Did you go to General Butler's office?—A. I didn't see General Butler since.

By the CHAIRMAN:

Q. State the politics of the men who were discharged when you were.—A. We were all of the same politics. This Foley spoke up openly; the whole world knew he was a radical Butler man.

Q. Were any Republicans discharged on the same night?—A. No; no Republicans were ever discharged while I was there. There are men working there now who are not citizens of the United States at all.

Q. (By Mr. PLATT.) How old are you?—A. A little over sixty-two years.

Q. (By the CHAIRMAN.) Was it known on the works that you had been in the army?—A. O, certainly.

MICHAEL DAILEY sworn and examined.

By the CHAIRMAN:

Question. State whether you were in the service of the United States?—Answer. I was.

Q. In what regiment?—A. The Third Massachusetts Calvary. [Presenting a paper.] That is my discharge.

Q. [Reading from the paper.] "Enrolled on the 2d of September, 1863, and hereby discharged from the service of the United States on the 9th day of June, 1865, at Washington; no objection to his being re-enlisted is known to exist." Were you employed on the government works at the new post-office building?—A. I wrote to Congressman Morse, got a letter from him and got a job on the new post-office building. When I gave the letter to Mr. Brown, the superintendent, he told me to come in two weeks' time and I might get a job. I went there once in a while, and he said he did not want any hands. About the 1st of October, last year, he put me to work. I worked there until the last days of October, when we were discharged. We were talking about General Butler's campaign and this and that—we laboring men working together used to be talking of one thing or the other—and they asked me who I would vote for. I said I would vote for General Butler, and get as many votes for him as I could; that I and my two boys would vote for him.

Q. Did you state that yourself publicly?—A. I stated it as publicly as I could. The timekeeper there carried every word that I would utter and wouldn't lose a minute.

Q. Who was that man?—A. I forget his name.

Q. Was he a little man?—A. No; the timekeeper, I mean. There was a man there who used to be running all the time with every word you would speak out of your mouth.

Q. Who was that man?—A. He lives in South Boston; I don't know his name.

Q. He was watching what the men said?—A. Yes; every word that you would say. We were discharged about the 29th of October. I consider that there was no occasion for our being discharged; that I was willing to



work and able to work, and that the only thing was just for talking about and saying that I would vote for General Butler. I thought I had as good a right to get a job on the government work as the men who were working there, men who never paid any taxes, and had no claim to it. I am just as entitled to get a job there as those who are bosses there.

Q. How many days' work did you have?—A. Twenty-one or twenty-two.

Q. Were your sons working there?—A. No, sir; I don't have them at that business. My sons never worked for the like of them.

Q. Was anybody else discharged when you were?—A. There were others, but they were all strangers to me there, and I didn't know a man, except one or two.

Q. Were those men who were discharged Democrats or Republicans?—A. I heard them say they were for General Butler. I don't know whether they were Democrats, or what they were.

By Mr. PLATT:

Q. Who employed you?—A. Mr. Brown, the superintendent. It was to him that I had the letter.

Q. Upon a letter from Mr. Leopold Morse, the Democratic candidate for Congress?—A. Yes, sir.

Q. He was in Congress at the time and had been nominated for another term?—A. Yes, sir.

Q. Mr. Brown employed you at the request of Mr. Morse?—A. Yes. Q. When he employed you he knew pretty well that you were a Democrat?—A. I understood so.

Q. Where had you worked last before you were employed on the post-office building?—A. I had been idle for some time. I could not get any employment, or but very little.

Q. How long had you been idle?—A. I had been idle those two last summers.

Q. So that up to the time you were employed on the post-office building, you had been idle two summers, except as you got a job here and there?—A. Exactly.

Q. What did you do on the post-office building?—A. I worked at every part of it. We were sinking stone for the foundation.

Q. Were you a laborer or a mason?—A. A laborer. I worked on the derrick and cleaned brick—anything I would be put at.

Q. Who discharged you?—A. The timekeeper.

Q. What is his name?—A. Manley.

Q. Did he give any reason for discharging you?—A. He gave no reason. After the day's work he came in and called me and some men and said we were discharged. He assigned no reason.

Q. Did any man tell you you were going to be discharged?—A. No, sir; not until that very time. We thought that we were going to have a good spell of it, as I knew Congressman Morse and didn't expect to be discharged so soon.

Q. Did you know Foley?—A. No.

Q. Do you know that he was discharged at the same time?—A. Seemingly he was. I got a letter from Mr. Estey about two months ago. They heard something about this and Mr. Loomis promised me a job for two months past, but I didn't get the work and suppose I never will.

Q. Who were the five others who were discharged when you were?—A. They were all strangers to me.

Q. Were you not discharged at the time Killduff was?—A. Yes, sir.

Q. That was the 29th of October?—A. Yes, sir; late in the evening.

Q. Was it not two weeks before the election?—A. No, sir; according to my judgment, it was the 29th of October.

Q. It was the same evening on which Killduff was discharged?—A. Yes, sir; the very same evening.

Q. Did anybody ask you to go to Hadley's office and make an affidavit?—A. I went up to General Butler's office.

Q. Did anybody ask you to go there?—A. Killduff and I went together there.

Q. Did anybody ask you to go to Hadley's office?—A. I met Killduff and I went with him. I thought I had as good a right to vindicate my own case as he had his.

Q. Did you get any pay for your affidavit?—A. No, sir.

Q. Did anybody but Killduff ask you to go up to General Butler's office?—A. No, sir.

Q. Who asked you for whom you were going to vote for governor?—A. That is more than I could tell you. I didn't know a man who worked on the post-office building only one or two. We always worked together but we were strangers to each other; they would ask, "Who are you going to vote for," and I would speak up and say, "General Butler, and I will get him as many votes as I can."

Q. Mr. Brown, nor Mr. Manley, nor Mr. Estey never asked you for whom you were going to vote?—A. No, sir.

By Mr. McDONALD:

Q. You had been a soldier when you gave Brown that recommendation?—A. Yes, sir.

Q. And they knew you were a soldier when they discharged you?—A. That is more than I can tell you. I didn't tell them that I was. I never told him I was in the army, but only gave him the letter and got the work.

Q. Mr. Morse knew that you had been in the army?—A. Yes, I told him I was in the army.

Q. In his letter, did Mr. Morse recommend you as having been a soldier?—A. That is more than I can say. I just gave it in. I was telling the men when we worked together that I was in the army.

Q. It was known, then, on the post-office building that you had been a soldier?—A. It was known among a great many of them, I suppose. I used to express myself that I had been there.

Q. (By Mr. PLATT.) What is your age?—A. I think about 57 or 58 years; something about that.

Q. (By the CHAIRMAN.) You can do a day's work yet?—A. I can, sir.

MARTIN O'CONNOR sworn and examined.

By the CHAIRMAN:

Question. Where did you live in October, 1878?—Answer. In Cambridgeport.

Q. For whom did you work?—A. Thomas Howland.

Q. At what business?—A. Setting steam-boilers.

Q. What conversation had you with your employer before the election about politics?—A. Nothing.

Q. What talk, if any, had you with him on the day of election about voting?—A. At noon time, the dinner hour, I went up to the ward-room and voted. When I got back, about twenty minutes before one o'clock,

I sat down on a log of wood there and he came right over to me and said to me, "If I knew that you voted for that man, I would discharge you right away." I replied, "You don't mean that, Mr. Howland?" "Yes, I do," he said. I said, "I think I have a right vote for whatever man I have a mind to vote for. I don't think you have any right to interfere with me in my vote." Those are all the words that passed between us. I went to work at one o'clock, worked until six, and after six o'clock, he came to me and told me he did not want me in his service any longer.

Q. Did you work for him any longer?—A. No, sir.

Q. He discharged you?—A. Yes, sir.

Q. To what man did he refer when he spoke of voting for "that man"?—A. Mr. Butler.

Q. This occurred on the day of the election, after you had voted?—A. Yes, sir.

Q. What are the politics of Mr. Howland?—A. He is a Republican.

By Mr. BLAIR :

Q. Are you a Democrat or Republican?—A. I always voted the straight Democratic ticket until last fall. I made up my mind last fall that I would vote for Mr. Butler.

Q. You had no talk with your employer until after you had voted?—A. No, sir.

Q. No one said anything to you about it until after you had voted?—A. No one.

Q. Give his full name and residence.—A. He lives in Cambridgeport. I do not know in what street. I think it is on Norfolk street.

Q. Is he living now?—A. I do not know. I didn't feel put out any about it—that is, about his discharging me—at the time. I never should have reported it here until a man reported it, because I thought I could get a living without him or his work. A man reported it here, and then I was summoned.

By the CHAIRMAN :

Q. You did not report it here, but some one else did?—A. Yes, sir.

By Mr. BLAIR :

Q. What is Mr. Howland's business?—A. He is a bricklayer by trade. He was employed in bossing over a gang of men here.

Q. You do not know whether he is alive or dead, or anything about that?—A. I know of his being sick lately, but I don't know whether he is dead or alive.

Q. Had he other workmen?—A. Yes, sir.

By Mr. PLATT :

Q. Did he carry on business himself?—A. No, sir; he was only employed for Mr. Edward Reardon.

Q. What is his business?—A. He manufactures oil and soap. He is a manufacturer, and has a great many hands at work.

DANIEL A. MCCARTY sworn and examined.

By the CHAIRMAN :

Question. Where do you live?—Answer. In precinct twelve, ward one, Boston.

Q. What position had you at the November election of 1878?—A. I was United States supervisor.

Q. What were your instructions from the chief?—A. He gave us a list of names to verify to see if they were those of voters.

Q. Did you do it?—A. Yes, sir.

Q. How?—A. By personal knowledge of some, by interviewing the rest.

Q. You went around and interviewed them?—A. Yes, sir.

Q. Did you make return of that list?—A. Yes, sir.

Q. How many men were on the list when you got it?—A. I should think that on the first list for the precinct there were about 400.

[The answer of the witness was 1,700, but by way of explanation, at a subsequent point, he stated that he had given this number as the total of names for the ward, and corrected his answer so as to read as here given.]

Q. When you had verified the list and made your report, what number of names were marked upon it as those of persons who could not be identified by you as entitled to vote? I speak of the last corrected list.

—A. Three, I believe.

Q. What did the supervisor say about that?—A. He said he did not think I had done my duty. I asked him in what respect, and he said there were more people down there in that district who could not vote than were marked.

Q. Had you done the work carefully and thoroughly investigated as to those names?—A. I did the work as I understood it.

Q. Was anything said about the small number of names marked on your list when you came to get your pay?—A. When I went into the office to get my pay, I found he had four days marked to my credit. I asked him what that was for. He said for service as supervisor. I told him I wanted ten days at least. He said I could not get it. I then waited upon Mr. Hallett and he said he thought that four days would pay me well enough. I told him I had done as much work as I would have done if I had had five thousand names marked. He said it didn't make any difference, that that was pay enough.

Q. What was the fact as to the time occupied by you in the verification of the list? Had you done the work in four days, or had it taken more time?—A. Counting the number of hours of work, I think it took me from fourteen to fifteen days.

Q. Did those three men whose names were checked present themselves to vote on election day?—A. No, sir.

Q. Was any person arrested in that precinct on that day?—A. No, sir.

Q. Did anything unusual occur in your ward on election day?—A. No, sir; it was as quiet as it could be.

Q. State whether you have been conversant with election matters in Boston for some years?—A. I have.

Q. Have you been an officer of elections frequently?—A. Yes, sir.

Q. From your knowledge of your locality, state what in your judgment was the condition of the lists that were made up by the registrars upon which voting was to be done at the last November election. Were they imperfect or were they correct?—A. I should think that they were as correct as those of any other ward in Boston.

Q. State whether or not, from what you know of the subject of your own knowledge, those lists for the ward as a whole were correct in containing the names of men residing in the ward who were entitled to vote and omitting those who were not entitled to vote?—A. I will have to say that the list was as good as any list we could get up.

Q. What is your judgment as to the necessity for the employment of

men in the capacity in which you were employed last year?—A. I do not think they are needed in Boston.

Q. Do you think that the law of the State of Massachusetts as administered in Boston, so far as your experience goes, has procured and is able to insure a perfectly honest list and one under which an honest and pure election can be obtained here?—A. I think it is as good a list as can be got here in Boston. I do not think there are any fraudulent names upon it to any extent.

By Mr. BLAIE :

Q. You are a Democrat?—A. At present, yes, sir.

Q. How long have you been a Democrat?—A. Five years.

Q. You were one of the Democrats who were appointed as supervisor on the recommendation of Mr. Hallett?—A. I was recommended by the Democratic ward committee.

Q. You spent some fourteen or fifteen days in that work?—A. Probably more.

Q. How many names had you upon the list in the first place?—A. The list when completed comprised somewhere about two thousand names.

Q. That is, the list for the entire ward?—A. The list for the entire ward.

Q. Had you supervision of the entire list or of but one precinct?—A. Of but one precinct.

Q. There was a Republican supervisor for your precinct?—A. Yes, sir.

Q. In pursuing your inquiries, did you and he act separately, each on his own account?—A. I never saw him from the time we got our books until we reported downstairs in this building.

Q. He went one way and you another?—A. Yes, sir.

Q. Do you know for how many days he was paid?—A. I do not.

Q. He went over the same list that you went over?—A. He must have.

Q. You went over the whole of your list?—A. I went over the whole of my list.

Q. You have no doubt that he did also?—A. None.

Q. You do not know whether you received the same pay that he did or not?—A. No, sir; I finally obtained seven days' pay by order of the court.

Q. You feel that the chief supervisor hardly allowed you enough?—A. I am sure he did not.

Q. You referred your matter to the court, the same as he did in these other disputed cases, did you not?—A. No, I do not think he referred it to the court. We obtained counsel, applied to the judge, and he allowed us seven days' pay.

Q. Do you not think that Mr. Hallett advised that amount of pay?—A. No, sir; he did not.

Q. Do you know whether he did or not?—A. I do not think he did.

Q. You did not hear his testimony on that point?—A. No, sir.

By Mr. PLATT :

Q. Did you have the whole ward to examine?—A. No, sir; only precinct twelve, ward one.

**N. A. PLYMPTON** sworn and examined.

By the CHAIRMAN :

**Question.** State whether you have been conversant with election matters in the city of Worcester.—**Answer.** I have been for quite a number of years.

**Q.** State the mode of registration, and what facts, if any, came to your knowledge in regard to it in the election of November, 1878.—**A.** In the last election of 1878, our board of registrars in the city of Worcester was composed of three Republicans. No Democrats had been elected upon it. Previous to that when the assessors made up the roll, back in 1876, some five hundred Democratic names were left off the lists. I was then on the Tilden campaign committee. I give that as an instance of their way of doing. The same policy was repeated last year. The names were left off then, and when we went to have them put on the list every obstacle possible, almost, was thrown in our way. For instance, in one case a man by the name of Hinchcliffe went before the board of registration with his receipted tax-bill in his hand, stated to them that he had been a voter in the town of Millbury, in this State, for a number of years previous, and had lived in Worcester for some time. They asked him if he had been born in this country, and he told them that he had come to this country when two or three years of age. They then told him he could not be registered unless he produced his father's naturalization papers. He replied that his father had removed to Nebraska, I think it was, and had died there; that he did not know what had become of his father's naturalization papers, but that his father had been naturalized, and that he could produce evidence that he himself had been a voter in the town of Millbury, and was registered there. They then refused him his right to register. He came to me to get him a certificate from the town clerk of Millbury that he had been a registered voter in that town. I did as he requested, and received from the town clerk a certificate to that effect. I then went with him before the board of registration with the same result. I afterwards suggested to him that he should drop into the other (the Republican) headquarters on the other side, and see if his name could be registered or not. After the election he told me he had been registered, and had voted. But we, on the Democratic side, could not get him registered. There was another case, that of a German by the name of Riedle, which was an exactly similar case. I presume that during the time I was secretary of the executive committee last fall, there were more than two hundred cases similar to that one that came under my knowledge, although I cannot particularize them now.

**Q.** Did Riedle also fail to register when taken to the board by your committee?—**A.** He was taken there by our committee, but failed to register.

**Q.** Was he registered by the Republican committee?—**A.** He was not. He lost his vote. There were many others in the same condition. I have talked with them since the election, and particularly since the excitement has come up this fall; they have come to me again and asked me what the chances were about being registered.

**Q.** Had you supervisors and marshals last year in the city of Worcester?—**A.** We had supervisors but no marshals.

**Q.** Were you in Worcester when the meeting of the manufacturers that has been detailed here by Mr. Thayer and others was held?—**A.** I was.

**Q.** What was the effect of the announcement of the purpose of that

meeting upon the voters ?—A. The effect of the meeting, as it was detailed to me—of course I do not know that it is accurate, but it came to me from quite a number of sources—was this, that there had been a meeting of manufacturers called ; that the policy as laid down at that meeting by some of the speakers, and by one speaker particularly, was to this effect : “ We must keep inside the law ; we must not say that our men will be discharged, nor anything of that kind, but we must hold up before them that, if Butler is elected, or the policy he advocates prevails, it will be necessary to close our workshops and stop our business.”

Mr. BLAIR. I object to this.

The CHAIRMAN. I asked the witness what the effect of it was, if he knew it.

Mr. BLAIR. Then let the statement which he has made be stricken out.

The CHAIRMAN. If he got the information from employés ?

Mr. BLAIR. No ; he got it from various sources. He states that he heard that the speakers said this.

The WITNESS. Men came to me and said that that was the drift of it, and asked me if I thought it was probable that they would lose their work.

By the CHAIRMAN :

Q. Employés came to you and asked you this ?—A. Yes, sir ; hat was the current understanding there, that what I have stated was the tenor of the meeting.

Q. What was the effect, as you gathered it from the employés themselves, upon their minds ?—A. Its effect was this : that while up to that date the operatives and employés, as a general rule in Worcester County, had been enthusiastic, had thronged our rooms day and evening almost, a great many of them then came and expressed doubts as to whether they would be able to vote or act openly for this reason that they understood that this meeting had been held, and that that was the policy that would be adopted. In consequence of that, there was a decided coolness at that time on the part of this class of men. I do not know that there was any direct act of intimidation upon them further than that the report of this meeting had that effect upon them, but I do know that a great many upon whom we had counted with absolute certainty up to that time were missing, or else voted against us.

Q. What was the number, if you can give it, of employés in the city of Worcester who were Democratic in their proclivities ?—A. The laboring population is almost wholly Democratic, that is, the Democratic vote in the city is almost wholly composed of laboring men. But a small proportion of those who we rank as the property holders there are comprised in our party. I should say that our vote there, in the Tilden election, was forty-two hundred and something, and I should say that easily 3,000 and something of these men were men who worked by the day for their livelihood.

Q. Are they mainly employed in the mills and factories ?—A. In machine shops and corporations.

Q. How is the work there generally conducted—by individuals or by corporations ?—A. It is mainly by individuals and firms, not so largely by corporations as in some other places.

Q. About three-fourths of the Democratic vote, then, you think, is of what you would call laboring men ?—A. I should say that that would be a safe estimate.

Q. What are the politics of the firms and employers generally who employ these men in Worcester?—A. I think that about the same proportion would represent those of Republican proclivities among the manufacturers. At least three-fourths of those of the larger concerns in Worcester are Republicans.

Q. Have you any estimate that you can give us as to the number of Democrats who, by this action on the part of the manufacturers, were deterred from voting as they previously had expressed themselves?—A. I have not, but I do know that a great many came to me expressing fear in regard to it and apprehensions of what the result would be if they so voted. I have no data from which I could say what was the proportion deterred from voting or anything of that kind.

Q. What do you know about the Whitinsville case?—A. In the week before the election, having charge of that matter, I sent out the ballots to the towns in the ninth Congressional district, and, accompanying the ballots, I sent a private circular to the vote distributors, instructing them to report to me at once any cases of intimidation, bulldozing, or anything of that kind. In response, I received on, I think, the second day after the election a note from B. McSheehy, of Whitinsville, in which he detailed the case of Gagin (the witness who was here the other day) and one or two others. He said that that had an effect upon the men to this extent, that the vote did not come up to anything like what he had reason to expect; as we had reason to expect two hundred and ninety-one men to vote for Butler, and we got but one hundred and forty-six votes.

Q. Mr. McSheehy had official connection with your organization, the Butler club?—A. He was president of the Butler club and was the man with whom I corresponded.

Q. Do you know anything about the registration in Templeton?—A. In Templeton parties came to me asking whether discharged soldiers were under the same restrictions in regard to the reading and writing clauses as naturalized citizens. One man particularly who came to me I recollect now. His left arm was off. He told me he had been discharged from the Army, and produced his discharge papers. He said he had his naturalization papers under the law by being discharged from the service and had been a voter in the town; that when he went to register they refused to allow him to register because he could not read or write; that he did not know but this was legal, but he wanted to find out about it. He told me there were five or six cases similar to his in that town, in which discharged soldiers had been refused permission to register.

By Mr. BLAIR:

Q. On that ground?—A. On that ground, although they had been allowed to vote without challenge at all previous elections.

By the CHAIRMAN:

Q. Do you know how these men wanted to vote?—A. They wanted to vote for General Butler.

By Mr. BLAIR:

Q. You speak of the board of registrars of Worcester. They were Republican last year?—A. They were Republican last year.

Q. Give their names.—A. Samuel Utley, associate justice of the district court; William L. Clark, chairman of the board of assessors of the city; and, I think, L. A. Ely, another assessor, though I would not be positive as to him. The board consisted of three.



Q. They were chosen by whom ?—A. By the city council, by election. Efforts have been made to have one Democrat on the board, but the Republicans have steadily voted us down every time.

Q. How has it been in former years ?—A. We never had any since the present law for a board of registration until last winter. Last winter, the term of Judge Utley expiring, a Democrat was elected for the first time.

Q. This new registration law was enacted in 1874 ?—A. I think it went into operation about that time.

Q. You speak of five hundred Democratic names being stricken from the list.—A. That was in 1876.

Q. In the Tilden campaign ?—A. Yes; and there were as many more last year.

Q. In 1876, what success had you in getting Democratic names ?—A. We had about the same trouble. Mr. Esterbrook, who was last year against us as an Abbott Democrat, who was chairman of our committee, endeavored to get our men on and met with the same obstacles.

Q. How many names, after you had endeavored to have them placed on the list, and failed to have them placed there, were afterwards put there by this little effort in navigating them to and through the Republican headquarters, in 1876 ?—A. I think we got quite a number on in 1876 and quite a number last year.

Q. About how many in 1876 ?—A. I could not tell you, because it was not under my special charge then, but we found it very common among us when we had a man who had any difficulty in getting on, to let our Republican friends get him. In many instances it was successful.

Q. When he voted, he cast the regular Democratic ticket ?—A. I think in every case the men did.

Q. You never heard any complaint afterwards from any one because of their having done so, from employers or any one else ?—A. Certainly not; that was not a thing that was connected at all with the employers; it was simply the registry.

Q. What was the name of the first man you mentioned with reference to 1878 ?—A. Hinchcliffe. I do not know his first name.

Q. He was the man whose naturalization papers could not be obtained ?—A. His father's papers could not be obtained.

Q. You spoke of another.—A. The name of the other was Riedle, a German.

Q. Was this second man a foreigner ?—A. He was born in the harbor of New York, on a steamer, after arriving in New York.

Q. What was the alleged reason of his exclusion ?—A. Because he could not produce his father's naturalization papers.

Q. The case of the second man was like that of the first, and there were many other similar cases ?—A. Yes, sir.

Q. You did not succeed in getting his case acted upon ?—A. I did not make any suggestions to him, because he was a man who, from his general appearance, they would not take.

Q. He did not look like a Republican ?—A. No; he did not.

Q. How did he look ?—A. He was evidently a foreigner.

Q. He did not look as much like a Republican as like a Democrat ?—A. Well, I suppose, as Democrats and Republicans, we are all supposed to be very handsome.

Q. The first was a handsome man ?—A. I should say so.

Q. You state that there were two hundred similar cases. I did not quite understand what they were similar to.—A. They were similar in

this respect, that whenever a man went there to be registered who had come to this country when perhaps one, two, or three years old, or thereabouts, he was excluded from registering unless he produced his father's naturalization papers. That was the requirement.

Q. Do you think that the board applied a different rule in that respect to Democrats from what they applied to Republicans?—A. I know that Republicans had no difficulty in getting on men whom we could not get on. I can not tell you how it was done.

Q. Men whose cases on the Republican side were just like those on the Democratic side in all respects?—A. To my best judgment, I should say that they were.

Q. You say that this board of registrars laid down a different rule as to the production of the naturalization papers in different cases?—A. I do not say that they did.

Q. Do you say that you believe that they acted under a different rule in certain cases?—A. I say that I believe they acted under a different principle entirely in different cases.

Q. Excluding Democrats and putting on the names of Republicans, for political reasons?—A. I think they were not so rigid in their requirements or their exactions upon Republicans as they were upon Democrats.

Q. Do you mean to say that they would admit a Republican who could not produce his father's naturalization papers and would exclude a Democrat who could not produce his father's naturalization papers, when in all other respects the cases were just alike?—A. I say I cannot particularize cases, but I believe that to be the fact. I have been told by men that it was the case, and those were men who had been up there and had been refused, and who, when they afterwards went there from the Republican committee, had their names put on without any apparent difficulty.

Q. Have you not the right to ask questions when men apply for registration?—A. We did not do that. We simply take our men in, and the registrars question the men themselves.

Q. Suppose that you wanted to know whether a man could read or write?—A. Certainly we have.

Q. Why not question the men, then?—A. We expected the board would use us in common fairness, and would act as they were acting toward the others.

Q. You must have observed at once that the board was not acting impartially in this respect?—A. I did.

Q. And you knew of your legal right to call their attention to your request?—A. I was going to give you an instance of that.

Q. I ask you why, knowing that you had your right, you did not apply the test yourself?—A. We did, in one instance.

Q. But you did not as a rule?—A. We did not.

Q. You may now give any instance.—A. In one instance Judge Utley was asked why he did not question these men with as much severity as he did the others, and the man who asked the question was politely told to hold his tongue; that they would attend to their own business.

Q. I would suppose that in a free country a case of that kind would make you all the more diligent and disposed to insist upon your right?—A. We had no organized committee to act at that time, and we sent the men over.

Q. Do you not think that, as elections are run in this country, it would have been only ordinary prudence for you to have had your committee there looking after the rights of naturalized citizens as in other

cases?—A. Perhaps it would have been, but we had the right to infer that the board would be impartial.

Q. But you say you knew that they were not?—A. Certainly; I don't know of any means that we had to coerce them.

Q. You had the legal right to ask them?—A. I have stated that we asked them in one instance and we got all the satisfaction that we expected to get.

Q. And you desisted?—A. We took no further part except to send men over there; we kept no men stationed there.

Q. As you sent men over, did any one go with them?—A. We always sent a man with them to take them to headquarters.

Q. Did the man who went with them attend to their cases?—A. Certainly, as a rule; he would see if Judge Utley was there.

Q. Judge Utley's term has expired?—A. Yes, sir.

Q. Was any more complaint made of Judge Utley than of the others?—A. We had no more complaint of him than of the others; he was the leading one.

Q. Was he the chairman?—A. I think we was; I do not know.

Q. You did not make much effort, then, to get these men upon the list?—A. We sent our men over and made these representations; they do not seem to have amounted to much.

Q. Had you any belief that the representations were untrue?—A. I don't know that they were.

Q. You took no pains in that regard?—A. No, sir.

Q. Is Worcester a close Republican city?—A. In close elections Worcester is Republican by about five hundred.

Q. What is the aggregate vote of the city?—A. Between eight and nine thousand; in 1876 we cast, I think 4,145 Tilden votes, and 4,600 or 4,700 Hayes votes.

Q. Do you think that that was about the relative strength of the two parties?—A. I think it was.

Q. What was the vote for Butler in 1878?—A. The vote in 1878 was: for Talbot, 4,300 and something; for Butler, 3,800 and something; for Abbott, 239; and for Miner, something like 150, if I recollect right.

Q. The aggregate vote then was not quite as large as in 1876?—A. Not quite.

Q. The relative strength, as compared with the vote of 1876, was in favor of the Democrats?—A. I should say that it was; the vote for Butler was relatively a large one.

Q. The general held his own in the State pretty well, notwithstanding this real or pretended intimidation?—A. I think he would have been elected if there had been none of that.

Q. You think that if the Republican employers had all gone for him he would have been elected?—A. No, sir; I did not say that; I think that if the Republican employers had minded their own business he would have been elected.

Q. You say if they had minded their own business. In regard to that matter, do you know of any specific instance in which a Republican employer did not mind his own business?—A. I cannot give you the name.

Q. You do not know of any instance whatever?—A. No; those things do not happen in such a way that you can particularize them.

Q. Have you any idea that the Republican employers intimidated voters any more than did the managers of the Butler campaign?—A. I have.

Q. How do you account for it that if there is no class influence or

race influence or other influence of an intimidating character to keep them so closely united, the Irish vote, as other witnesses have testified, is almost unanimously for General Butler or for the Democratic candidate ?—A. I think that, as a rule, the Irish people vote the Democratic ticket because they believe in Democracy, and that they vote for General Butler because he has invariably, back in Kuow Nothing times particularly, been their friend.

Q. Do you think that every Irishman, on that side, votes as he wishes to without any undue influence from employers or priests or from any source whatever ?—A. I have never known of any interference with their vote.

Q. You have never heard of any ?—A. Never, except as I have read of some in a Republican paper.

Q. These same rumors or reports of intimidation that you heard from one side you also heard from the other side ?—A. I cannot give any instances in either case.

Q. What is the reason why you think there has been intimidation on one side and not on the other ?—A. For the reason that, particularly in this last election, the employes of Republicans told me that they did not dare to do so and so. I never heard it from the other side.

Q. Did you never hear that Irishmen had failed to vote the Republican ticket in many instances because they did not dare to do it ?—A. I never did.

Q. Then you have come across a different class of rumors in your time from those I have heard ?—A. It may be possible.

Q. The Templeton case is one of which you know nothing except as the parties came to you ?—A. Excepting as the parties stated to me.

By Mr. PLATT :

Q. I understand you to say that, previous to the election, you sent out throughout the county of Worcester circulars directed to the local committees asking them to report to you any instance of intimidation on the part of employers. Did you send those generally throughout the county ?—A. I sent them to the chairmen of committees in the ninth Congressional district.

Q. They were sent through the district, then ?—A. Yes, sir.

Q. Did that take in more than Worcester County ?—A. It did not take in the whole of Worcester County. It took in the southern part of Worcester County.

Q. Which was in the district of Mr. Rice ?—A. Yes.

Q. In response to those, how many instances were brought to your knowledge ?—A. By letter, only one ; that was the Whitinsville matter ; by conversation, the Manchaug matter, the Webster matter, and evidence from Gardner which was afterwards, I believe, to be produced. There were quite a number of towns from which men came in to see me personally. The one I have stated is the only one from which I have received a written communication. The complaint, however, was very general in the small manufacturing towns.

Q. The proof, so far as you have received information, you understand, is that which has been or is to be brought before this committee ?—A. Certainly.

Q. What did you understand to be the name of the speaker at the manufacturers' meeting, to whom you referred ?—A. I did not state any name, nor can I ; because the matter was only given in this way, that one of the speakers said so and so.

Q. The name was not given to you at the time ?—A. No ; but it was

said that that was the character of what was said, and it was also said that two manufacturers in Worcester objected to that policy.

Q. That was what might be called a rumor about the city?—A. It was a current report about the city; it was told to me by twenty or thirty different parties.

Q. Whether any speaker ever did say so or not you do not know?—A. I have no evidence; I was told that Mr. J. H. Walker and Mr. Moen demurred to it, that Mr. Walker particularly stated that he would not be a party to any such bulldozing process.

Q. And that was as currently reported as the other, was it not?—A. Yes, sir.

Q. The name of the party was not given to you?—A. No; it was said that that was the tenor of it, but the names of the parties were not given; Mr. Walker's and Mr. Moen's names are the only ones that I recall in connection with it.

By Mr. BLAIR:

Q. What is the business of Mr. Moen?—A. He is president of the Washburne and Moen Wire Manufacturing Company. There certainly was nothing of that kind in Mr. Moen's corporation.

By Mr. PLATT:

Q. On the whole, so far as the city of Worcester is concerned, did any specific instances come to your knowledge where employers had threatened their hands before election that in case they did not vote against Butler they would be discharged, or where any one was discharged after the election, because he had not voted against Butler, except that of the Vaill case?—A. I never heard of any except the Vaill case. I do not think there was in the city of Worcester very much of that done.

Q. What position does Judge Utley now hold?—A. He is associate justice of the central district.

By Mr. McDONALD:

Q. How was it, did you say, that you secured the registration of Democratic voters who were refused registration by the board on your application?—A. Our custom was to suggest to them to walk across the street in the course of a day or two, when their faces had become less familiar, and see what the effect of their effort would be when made from the other side of the house—that is to say, if they went over to the board accompanied by Republican friends.

Q. They were to get some Republican to escort them to the office?—A. Yes; from the Republican headquarters.

Q. In that way you discovered "a northwest passage" through the registry?—A. Exactly.

Q. You were asked whether if the manufacturers had all voted for Butler, in your opinion, he would not have been elected. I will ask you what you think would have been the result if the manufacturers had permitted their employes to vote according to the wishes of the employes?—A. I think that General Butler would have been elected.

Q. But for the influence brought to bear by the manufacturers upon their help?—A. I think that that was the cause of our losing hundreds of votes in every factory village, or in nearly every one. I will not say every one, because there were instances that I knew of where manufacturers could not or would not do anything of the kind.

Q. Obtain their votes under fears of discharge?—A. I think that a great many of them voted under fears of discharge.

By the CHAIRMAN:

Q. Who were these men who were in charge of the registry there?—  
A. Mr. Utley, Mr. Clark, and one other, whose name I forget. Mr. Utley was formerly a law student of George F. Hoar. Mr. Clark is chairman of the board of assessors of the city. The other may or may not have been Mr. Ely.

Q. Are the towns of Templeton and Whitinsville in Worcester County?—A. Yes, sir; both of them.

JONATHAN A. PERHAN sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. In the town of Ashburnham, Middlesex County.

Q. Where did you live in the fall of 1878?—A. In Gardner, Worcester County.

Q. Where did you vote in the fall of 1878?—A. In Gardner.

Q. How far is that from the city of Worcester?—A. About thirty miles, I judge.

Q. Do you know a Mr. Newell?—A. I do. He boarded with me last fall.

Q. Give his politics.—A. He was a Democrat.

Q. What is his first name?—A. I think he called his name "Warren"; but I am not positive about that.

Q. What are your politics?—A. My politics have been Democratic.

Q. You were for whom?—A. I was for Butler last fall.

Q. What conversation had you with this man Newell about voting, and what consideration, if any, was expressed as to how he ought to vote?—A. He came into the house, two or three nights before the election—

[NOTE.—Mr. Platt here objected, but upon ascertaining subsequently that the whereabouts of Newell were apparently unknown, withdrew the objection.]

The WITNESS (continuing). He took out of his pocket a roll of bank-bills, threw them on the table and said, "There's fifty dollars, given to me at the bank this morning to buy votes. If you will vote for Talbot, you shall have ten dollars of it; if you will keep away from the polls and not vote at all, you shall have five."

By Mr. McDONALD:

Q. Was Newell a Republican?—A. He was a Democrat.

By the CHAIRMAN:

Q. What did you say?—A. I told him that I should not do it.

Q. You did not take the money?—A. I did not.

Q. What did he say about anything of that kind as to other people?—  
A. He said he had got several, and that he was going to see another one that night.

Q. At what bank did he say he had got this money?—A. Up at the National Bank.

By Mr. BLAIR:

Q. That is in the town of Gardner?—A. That is what I understood; and that there was more there ready for him when this was gone; that it was furnished to him for this business.

By the CHAIRMAN:

Q. On what day was this?—A. It was a few days before the election. I should say about three days before.

Q. Had this man Newell been an active Democrat?—A. He talked like that.

Q. Was he active after he had this money up until the election?—A. He was; very.

By Mr. McDONALD:

Q. For Talbot, or to stop ballots for Butler?—A. Yes.

By the CHAIRMAN:

Q. Was he at the polls on the election day?—A. He was there in the house.

Q. Do you know how he voted?—A. I think he did not vote at all; that he was not a voter there.

Q. Do you know where he came from?—A. I understood him to say that he was a voter here in the city of Boston.

Q. Do you know in what ward?—A. I do not.

Q. How long had he been at Gardner?—A. He came to Gardner somewhere in July, I should say. I cannot say positively as to time.

Q. What was his business?—A. He was a carpenter.

Q. Was he a married or a single man?—A. He had been a married man. He was then a single man.

Q. Do you know of anybody who was bought by him?—A. I do not.

Q. Do you know what had been the vote of Gardner before that?—A. I do not.

By Mr. PLATT:

Q. Do you know where this man Newell is now?—A. I do not. I have not seen him since last fall.

Q. How long did you stay in Gardner? Did you stay after the election?—A. I staid there until this spring. I think it was in June that I moved.

Q. Did Mr. Newell remain in Gardner as long as you did?—A. No, sir; he left immediately after the election, or not a great while after.

Q. Did he appear to be a sane man?—A. I never saw anything to the contrary.

Q. Do you think that any sane man would do what you say that he did?—A. I could not tell you as to that.

Q. What had been your acquaintance with him up to that time?—A. He had boarded with me from the time he came into town up to the time that he left town, or a little before it.

Q. Do you know where in Boston he came from?—A. I do not. He told me the street, but I do not remember it.

Q. Can you give us any information by which you think we might be able to find him now?—A. He told me that he had a son in one of the banks here, and I think he said that the son was cashier of the bank; but which bank it was I cannot tell you.

Q. How old a man was he?—A. I should think about fifty-five or sixty, somewhere along there.

Q. What is your age?—A. Fifty-eight years.

Q. What is your business?—A. Stone-cutter.

Q. He knew you were a Democrat, did he not?—A. He knew that I was a Butler man last fall, and that I was going to vote for Butler.

Q. He knew you had been a Democrat previously?—A. I don't know that he knew anything about what I had been.

Q. But he knew you were a Butler man ?—A. He did.

Q. And a somewhat active Butler man ?—A. No ; not active ; but that I was decided, and a voter.

Q. Did you take any interest in the campaign ?—A. Not at all, any further than I was my own self concerned ; I didn't meddle any further.

Q. He took his money out and threw it down on the table ?—A. He did ; he said that there was fifty dollars that had been furnished him for this business.

Q. Did he say who furnished it ?—A. He did not, any more than he told me where it was furnished.

Q. Did you ask him any questions ?—A. I don't know that I did.

Q. Is there more than one national bank at Gardner ?—A. No, sir.

Q. Who is the cashier of that bank ?—A. I cannot tell you ; I don't know that I know the officers of the bank.

Q. Nor the president ?—A. I cannot tell you positively, but I think it is Charles Heywood ; there are men here who can tell you.

Q. He said he got the money from the bank, but did you not inquire who furnished it to him ?—A. I don't know that I did ; I think that I did not, and that he did not tell me who furnished it.

Q. Did he carry on the carpentering business in Gardner as a business, or was he a mere workman ?—A. He was a workman.

Q. Do you know for whom he worked ?—A. He worked for Benjamin Newell.

Q. A relative of his ?—A. No, sir ; not any relation.

Q. Is Benjamin Newell in Gardner now ?—A. He is, so far as I know ; I saw him three or four days ago.

By Mr. BLAIR :

Q. Is he a Democrat ?—A. I think he is.

Q. Did he vote for Butler last fall ?—A. I cannot tell you ; I do not know for whom he voted.

Q. Did you learn the names of these other men that Newell said he had already got ?—A. I did not.

Q. Did you ask him any questions ?—A. I don't know that I did ; I don't recollect.

Q. Did he tell you afterwards of what success he was having ?—A. At that time he said he was having good success, and that he had furnished several.

Q. Did he say how many he had got then ?—A. He said several ; he used the word "several," and was going to see one that night.

Q. But after that time ?—A. After that time I never heard him say anything about it.

Q. How long was this before the election ?—A. I should say three or four days.

Q. Did he remain there until the election ?—A. Yes, and until after the election.

Q. Did he ever say anything further to you, before or after the election, as to what he had done ?—A. No, sir ; he never mentioned it to me after that day, that I recollect.

Q. When did you first mention this matter to any one ?—A. I mentioned it at the time.

Q. To whom did you tell of it at the time ?—A. I think his name is Holden ; he lives in Gardner.

Q. What is his first name ?—A. I cannot tell you.

Q. What is his business ?—A. He is a railroad repairer and repairs cars down at the junction at Ashburnham Centre.



Q. For whom did he vote last year?—A. I think he voted for Butler.

Q. What talk did you have with him about it?—A. I was coming down from town the next day after this, I guess it was, and I said to him, "They're working all manner of means to beat Butler." He asked why. I said, "They are offering money and buying up votes and buying them not to vote for Butler; they are paying them money to do either, to keep them from Butler or to have them vote for Talbot." He wanted to know what made me think so. Then I told him what I knew about it; told him about this instance.

Q. That was all that there was about it?—A. That was all.

Q. Did he say anything about it?—A. I don't know that he did anything, now.

Q. Did it appear to astonish him or provoke him?—A. He seemed to think rather strange of it, as well as myself.

Q. Did he propose to do anything about it?—A. He didn't say anything about it to me.

Q. That was all that there was about it as far as he was concerned?—A. Yes.

Q. This was the next day?—A. Yes, sir.

Q. This would have been two or three days before the election?—A. I judge so; I would not be positive, though, about that.

Q. You gave him this man's name, told him what had occurred in your house, and what the man had said?—A. Yes.

Q. Who was the next man to whom you said anything about this?—A. I don't know that I have said anything.

Q. You have never mentioned it from that day until now?—A. I don't know that I have; I don't recollect that I have.

Q. When did you first know that you were to come here and testify?—A. Last Friday.

Q. How far is Ashburnham from Gardner?—A. About nine miles.

Q. Had you told no one anything about this from the next day after it occurred, when you told this Mr. Holden, until you were summoned?—A. I may have mentioned it to some one, but have no recollection of any one in particular to whom I mentioned it.

Q. Do you remember of speaking of it to some one whose name you cannot recall?—A. I do not.

Q. You voted for Butler?—A. I did.

Q. Did you feel quite anxious for the election of General Butler?—A. I did.

Q. Why did you not make a stir about this fraud and corruption in the buying of voters before the election?—A. I had no way to make any stir about it.

Q. Could you not stir your tongue about it and tell folks about it?—A. No more than I did.

Q. You have told just one man, and he did not seem disturbed about it much?—A. I do not know that he was; he did not say that he was.

Q. Could you not have gone to the bank or to the prominent men there and made this thing known to the people of Gardner, in order to stop this corruption?—A. I don't know whether I could or not.

Q. You knew that the man was going right along in the same business?—A. I knew that he said so.

Q. And you took no measures to put a stop to it?—A. No more than to tell this man.

Q. But you saw this man carrying on before the election and through the election and knew that he was not a voter there?—A. Yes.

Q. You knew that he was in this corrupt business all the time ?—A. I did.

Q. He boarded with you right along ?—A. I think he boarded with me until after the election.

Q. You never said to him that he was doing wrong ?—A. I do not know that I did.

Q. You never rebuked him for it nor threatened to tell of it ?—A. No.

Q. You knew it was a crime, did you ?—A. I thought it was.

Q. Why did you continue to board this man and thus assist him to commit this crime ? Why did you not turn him off ? You could have done that much, at least, to show your disapprobation.—A. Because I could not get my pay from him. I was trying then and had been trying to get my pay.

Q. Did you get your pay in the end ?—A. No ; he owes me to this day for it.

Q. So that you continued to board this malefactor for nothing, did you ?—A. It seems so.

By the CHAIRMAN :

Q. Are the officers in the National Bank Democrats or Republicans ? —A. I should say Republicans, but I am not positive about that ; I think likely there are both among them.

Q. Do you know Charles Heywood ?—A. I do.

Q. Was any such name as that mentioned during the conversation ?—A. Charles Heywood's name was mentioned during the conversation, but in what form or how I cannot say. I know that Mr. Newell used Charles Heywood's name in the course of the conversation.

Q. What is Charles Heywood's official position there ?—A. He is an officer in the banks ; I think he is in both banks.

Q. Do you know what his politics are ?—A. I think he is a Democrat.

Q. Do you know whom he was for last year ?—A. I think he was for Talbot.

MORTON KEMP sworn and examined.

By the CHAIRMAN :

Question. Where do you live ?—Answer. In Gardner.

Q. Were you there last year ?—A. I was.

Q. For whom were you working ?—A. I am at work for Mr. Asa Temple.

Q. For whom did you work last year before the election ?—A. I worked for the same man, more or less.

Q. Were you at work for the master of the poor farm ?—A. I did work for him last fall for a while.

Q. Before the election ?—A. Yes, sir.

Q. Was the overseer of the poor there ?—A. One of the overseers was there one day.

Q. What conversation had you and he and Mr. Sanderson about the election ?—A. I didn't have any conversation with the overseer, but he and Mr. Sanderson were talking, and just before they went away I had a little talk with Mr. Sanderson.

Q. Go on and tell what it was.—A. I couldn't tell you exactly what it was that Mr. Whitney was talking about, only that one part of it was about voting. Mr. Sanderson used to come in with me when I was in

the woods there awhile and talk along with me. He used to be talking this Butler talk considerably.

Q. What did Whitney ask Sanderson about?—A. He was talking about Talbot affairs. I couldn't tell you what part, but it was something about that. I went over there one afternoon and they had the conversation. I could not tell what they were talking about, but Sanderson began to pick out the Butler men in the north part. He picked out some eight or ten, and picked out me. After he picked me out as a Butler man, I turned right round and picked him out, because I had heard him talking a long while. He said that he had heard I was a Butler man, and I said, "There's a Butler man," meaning him.

Q. You said that Sanderson was a Butler man?—A. I told Whitney that he was.

Q. For whom were you working?—A. I was working for Robert Sanderson, at chopping. He had hired me to chop for him.

Q. Where was that?—A. That was on the poor farm.

Q. Who was Whitney?—A. Whitney was one of the overseers.

Q. After Whitney left, what then?—A. Three or four of us took a walk down the road some distance, Sanderson being among the number. In going down the road, Sanderson was a little huffy because I had said, before Mr. Whitney, who was one of the overseers, that he (Sanderson) was a Butler man. He said to me, "I shouldn't have cared so much about it if Mr. Whitney had not been there and heard it." I told him that it did not make any difference; that Mr. Whitney was no better than any other man.

Q. Did you continue to work there?—A. No, sir.

Q. Why not?—A. Because he got a little down on me then.

Q. You were discharged then, were you?—A. He didn't seem to employ me any more. Last fall he had some barrels that he wanted to have repaired and I went up and repaired them and he paid me for it. That was after this occurrence.

Q. Whitney is chairman of the poor board?—A. I think so.

Q. Did you vote for Butler?—A. I did not vote at all last fall.

Q. For whom did Sanderson vote?—A. I suppose he voted Mr. Talbot. He changed his mind and I suppose he voted for him. I had supposed he was going to vote for Butler.

Q. Why did you not vote for Butler?—A. I thought I would not vote for either party. I didn't feel like voting for either one.

Q. Have you a family?—A. No, sir.

Q. You are a single man?—A. Yes, sir.

Q. State why you did not feel like voting for either party.—A. I didn't want to vote. I didn't change my mind, but I shall probably, if I live until fall, vote for somebody.

Q. You did not change your mind about who you were for, but did not feel that you wanted to vote?—A. I didn't feel like voting.

By Mr. BLAIR:

Q. You said that if you would live until some future time, you would probably do something. What is that?—A. I think I should vote.

Q. The tendencies are now just about how?—A. About the same as last fall.

Q. A little inclined to vote?—A. Yes, sir.

Q. But you are not decided?—A. No, sir.

Q. If you do vote, you will vote for Butler?—A. Yes, sir.

By Mr. PLATT:

Q. What is your business?—A. Before I came into Gardner, I used

to work at coopering. I came into Gardner on the 16th of last February. My business is working at chopping and farming.

Q. That is, you worked out for anybody who chose to employ you?—A. When I haven't had work I worked around where I stopped. When anybody wants a cooper for a barrel I do a job for them.

Q. How long had you been chopping for Mr. Sanderson at that time?—A. I didn't chop for him but a little. We had about seven cords of wood, two of us.

Q. On the town farm?—A. On the town farm.

Q. Had you worked for Mr. Sanderson at any other time previous to that?—A. I worked for him, I think, two years before that, one day at haying.

Q. Were others employed by you in chopping?—A. There was one with me chopping the wood.

Q. Have you ever worked on the poor farm at any other time except this one day when you were haying and one day when you were chopping wood for Mr. Sanderson?—A. Well, repairing barrels.

Q. Were the barrels for the poor-house, the alms-house?—A. Yes, sir.

Q. That is all that you have worked there?—A. That is all that I ever worked there on the farm. I have worked on the roads some, on the highway.

Q. On the town farm or town roads beside?—A. On the town roads beside.

Q. How much?—A. I worked somewhere about a few days.

Q. Did you lodge at the town farm?—A. No, sir; some of the time I lodged at Mr. Temple's and some of the time at another place, where I boarded.

LEANDER C. LYNDE sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. In Gardner, Worcester County.

Q. Do you know John C. Bryant?—A. Yes, sir.

Q. What is his business?—A. A tub and pail manufacturer.

Q. How many men does he employ?—A. I don't know, but I presume twenty.

Q. What are his politics?—A. Republican.

Q. Do you know the politics of any of the men employed by him?—A. I know the politics of some of them.

Q. State them.—A. They are Republicans, so far as I know. There may be some Democrats among them.

Q. What did you hear him say previous to the election about the result to his factory if Butler was elected?—A. On election-day he came to me at the town-hall (I was at work in General Butler's interest) and advised me to work no more, telling me what the result would be if Butler was elected; that he was inside the ring and I was not, and he knew how it would be. What ring he meant you may draw your own inference. He said that he should close his factories and discharge his help.

Q. Was this said publicly?—A. He said so to me privately on election day. He was at work for Talbot and I was at work for Butler.

Q. Was it where any person else could hear it?—A. No, sir.

Q. It was a private conversation ?—A. It was a private conversation between him and me.

Q. Was he trying to influence you in any way ?—A. No, sir ; he could not influence me. I was a Butler man and voted for him.

Q. He was a Talbot man and worked for Talbot ?—A. Yes, sir.

Q. What do you know about this Sanderson matter ?—A. I went off to some Butler rallies last fall with Mr. Sanderson, and he expressed himself as a Butler man. He was so anxious for Butler's election that he carried me out of the town to a Butler rally. He was so very cautious, however, that Mr. Whitney or Mr. Edgells should not know that he was using the town team for that purpose, that he asked us to step to a block near by before we set out ; we did so. He was very strong for Butler up to just before the election, when he suddenly changed. He told me both before and after the election that his views were identical with General Butler's on the money question and on the election.

Q. How did he vote ?—A. He told me he voted for Talbot.

Q. What was the reason of the sudden change that came over him ?  
Mr. PLATT. If he gave it.

The CHAIRMAN. Of course, if he gave it.

The WITNESS. He did not give the reason to me.

By Mr. BLAIR :

Q. Where do you work ?—A. I work in a chair factory.

Q. You do not work for Mr. Bryant ?—A. No, sir.

Q. This conversation that you had with Mr. Bryant could not have been designed to influence you in any way, then ?—A. It was designed to influence me, but could not influence me ; it was a private conversation.

Q. You did not work for him ?—A. I didn't work for him.

Q. He said that in case of Butler's election he should close his factory and discharge his help ; in other words, he would have to stop business, or would stop business ?—A. Yes, sir ; he would be unable to do any business ; that was the meaning of it.

Q. There was a pretty serious difference between those who voted for Talbot and those who voted for Butler upon the financial question, was there not, and upon the effect of the result of the election on business matters, and he thought it would probably have an effect to ruin his business ?—A. That was the way I took it.

By Mr. PLATT :

Q. What is the name of Mr. Sanderson ?—A. Albert Sanderson.

Q. What is the name of Mr. Whitney ?—A. Ivers Whitney.

By the CHAIRMAN :

Q. Do you know of anybody living there who went away from town because of a desire not to vote ?—A. I do not.

Q. Do you know of a man named Smith going to New Hampshire ?—A. Yes, sir ; he works near me.

Q. What did he say ?—A. He did not go to New Hampshire to get rid of voting ; he had been calculating to go to New Hampshire for some time ; was calculating to go in the week before the election and something happened ; his folks went away and he did not go ; but he did go in election week, and did not vote. He was a Butler man.

Q. Did he say why he went ?—A. He told me that he went for the reason that his folks were not at home.

Mr. PLATT. If a man's family leaves home before the election and goes out of the State, does that deprive the man of his vote ?

The WITNESS. Yes, sir.

The CHAIRMAN. This leaving, I understand, was only temporary?

The WITNESS. The man himself has no family.

By Mr. PLATT :

Q. I understood you to say that he had a family.—A. No, I spoke of his friends he was going to visit, in New Hampshire.

By Mr. BLAIR :

Q. What was the result of the election in Gardner?—A. It was Republican by a small majority. The vote stood, I think, for Talbot, 376 or 379, and for Butler 306.

Q. It was a pretty sharp fight?—A. It was for the time we undertook to fight, six weeks before the election.

Q. A large part of the Democratic party there went for Butler?—A. Yes, sir.

Q. Do you know Warren Newell?—A. I do not.

Q. Do you know Jonathan A. Perham?—A. I do; I have known him for some time.

EPHRAIM D. HOWE sworn and examined :

By the CHAIRMAN :

Question. Where do you live?—Answer. In Gardner, Worcester County.

Q. What is your business?—A. I am a practicing attorney.

Q. State what you know about this transaction with Mr. Sanderson.—A. In relation to Mr. Sanderson, I know that up to the night before the election he was a very strong Butler man, and that he contributed to the Butler fund. He went to a Butler meeting in East Cumberland, and was going to make a speech there, but there were so many other speakers that he did not speak. In the night, or sometime toward evening of the day before the election, he came to me—Dr. William H. H. Hines, the dentist, being present—addressed me, and finally said, “I am going to change to-morrow and vote for Thomas Talbot. I asked him why. He replied that it was on account of a mob in Lawrence, or on the train from Lowell to Lawrence. I asked him, “do you not know, Mr. Sanderson, that the officers of that road have denied that statement?” Then he dodged on to another subject and gave another reason. He said that he had read Carl Schurz’s speech very carefully, and that that had convinced him. Dr. Hines then spoke up and said, “Didn’t you tell me, Mr. Sanderson, that you had read that speech, and you did not think much of it?” Then Mr. Sanderson assigned as a reason that he really did not know that he agreed with General Butler on the Greenback question. He was followed up and he changed three or four times, assigning that many different reasons.

Q. He was a Butler man until the day of the election, and then changed from that?—A. He was until four or five o’clock in the afternoon of that day.

Q. What was the condition of sentiment among the employes prior to this manufacturers’ meeting at Worcester and the action by the manufacturers, and what was it after that in the county, so far as you know?—A. Previous to that time the feeling in Gardner was so strong for Butler that some of his friends, more enthusiastic than I, counted up 527 votes for him out of 900 votes; and yet, just before the election,

I guess it was a week before, we struck off all but 300 names, and we only claimed about 300 votes. So that, toward the end, there seemed to have been a change.

Q. Of the names of those who thus changed, what proportion, in your opinion, were those of Democrats and laboring men employed by Republicans?—A. I don't think I could give an answer to that.

By Mr. BLAIR:

Q. Do you know yourself of any definite, tangible thing that was done by employers to intimidate any one?—A. I do not.

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WILLIAM J. DOWD sworn and examined.

By the CHAIRMAN:

Question. What is your business now?—Answer. I am a police officer in Chelsea.

Q. In the fall of 1878 were you connected with the registration committee in any way?—A. I was one of the Democratic ward and city committee in Chelsea. I had a certain part of the ward in which I lived in Chelsea to look after so as to see that we got all the names on the list that we could find.

Q. State what came under your notice in your performance of that duty?—A. I had some tax bills given me. One of them was for a man named Thomas (or Robert) Gray, a colored man. I went down to where he worked in the afternoon of the last day on which he could register his name, found him and told him he had better come up and register. The man who employed him happened to be there at the time and asked him where he was going. He replied that he was going to have his name put on the list so that he could vote on election day. His employer asked him for whom he was going to vote and he replied that he was going to vote for Butler. His employer then told him that he must not vote for Butler if he was going to work for him; told him that he (the employer) had done considerable for him, and that he wanted him to mind if he was going to vote for Butler. I told his employer I did not know who he was going to vote for. I supposed that the tax bill had been paid by the district committee. I supposed that the man was going to vote for Morse; in fact, I understood that the man was going to vote for Morse.

Q. What became of the case? Did the man vote?—A. The man registered, and I believe voted.

Q. Do you know the politics of the employer and his name?—A. Yes, sir; his name is Daniel Curry; he is a Republican.

Q. This was a colored man to whom this was said?—A. Yes, sir.

Q. What is the business of this employer?—A. He is an oil merchant.

Q. Was anybody else present?—A. Yes.

Q. Who was it?—A. Some of the employés of Mr. Curry.

Q. How many of them?—A. I couldn't tell you just how many. It was right there in his yard.

By Mr. BLAIR:

Q. You do not know how this man did vote?—A. I do not.

Q. You rather persisted, and you got his name on the list without any difficulty?—A. I did not insist at all. He came down with me in the team.

Q. You went with him and got the name on ?—A. I do not think I did. I don't think he went down with me that time; I think he went down later in the day, and I believe that when he went down it was with the understanding that he was not going to vote for Butler.

Q. You say you believe. Do you know anything about it ?—A. He told me so himself; that is all that I know about it.

Q. You have the idea that he was going to vote for Butler ?—A. I believe that he did.

Q. Did he not tell you that he did ?—A. I do not think he did, but I believe, from what was said there, that he was a staunch Butler man.

Q. That is all the knowledge you have about it ?—A. I think that if he went to the polls he voted for Butler. If he went with his employer he did not vote for Butler.

Q. He did not tell you how he would vote ?—A. He told me himself that he should vote for Butler if he had to lose his job. So I supposed from that he was for Butler.

Q. He was one of the men who were not intimidated ?—A. I had an idea that he would have his own way if he was not watched.

**JAMES J. CREED sworn and examined.**

**By the CHAIRMAN :**

Question. Where do you live ?—Answer. In Chelsea.

Q. What is your business there ?—A. Liquor dealer.

Q. Have you been a ward officer there for any time ?—A. I have been inspector of elections for three different years in ward three, Chelsea.

Q. Do you know the voters there ?—A. Yes, sir.

Q. What do you know about the election in November of last year, in reference to the conduct of the employers (or their agents) of the Boston Elastic Fabric Company (McBirney's), Chelsea ?—A. I know all the men generally employed there. As a general thing, the men employed in the factory who live in the ward have been Democrats. Last year it was understood that they would go, most of them, for Talbot, and, as a consequence, most of them did.

Q. Most of them did ?—A. Yes; those who stood by the foreman did. The foreman of this factory stood all day at the polls—a thing that was something unusual—and it was understood among the men that they were obliged to vote for Talbot.

Mr. PALTT. I object to that.

The CHAIRMAN. He may have got it from the men themselves.

Q. Who was the foreman of the factory ?—A. A man named Bell.

Q. Had you, in your time as inspector of elections, seen Mr. Bell at the polls before in that position ?—A. Not in that position. I have seen him come in, deposit his vote, and go right out again.

Q. Did he stand where he could see the employés as they came up ?—A. Yes, sir; between the door and the ballot-box.

Q. Was he where he could see the ballots as they were cast ?—A. Yes, sir; for part of the time.

Q. Had this ever occurred before ?—A. I had not seen it before in ten years.

Q. Had Mr. Bell ever been there at the polls as foreman before, that you know of ?—A. Yes, sir.

Q. How long before ?—A. It was over ten years, to my knowledge.



Q. How many of these men in that establishment were Democrats, to your knowledge ?—A. We used to count from seventy-five to one hundred in ward three.

Q. How many of those men informed you that they must vote the other way or gave you information to that effect ?—A. They would stand around in little bunches in the ward-room and talk it up. I don't remember any certain number. It was kind of understood among them.

Mr. PLATT objected. He remarked that while the latitude given to the answers had been such as to admit individual statements to a witness, it had not covered statements of general understandings, and therefore he objected to any such statement now.

The CHAIRMAN directed the witness accordingly.

By the CHAIRMAN :

Q. State what you heard the men say as to whether they were free to vote or were restrained from voting by terror or from any other cause ?

—A. I heard as many as twenty-five of them say that Tom Sullivan (I don't know what his business in the mill is) gave each man to understand that it was Mr. McBirney's wish that they should vote for Talbot and they must govern themselves accordingly.

Q. Sullivan was connected with the concern in some way, was he ?—A. He is in the works there

By Mr. McDONALD :

Q. Was he the foreman or agent or a member of the firm ?—A. I cannot say.

By the CHAIRMAN :

Q. Did you see him on election day ?—A. He was at the election.

Q. Was he there all day ?—A. I did not notice particularly.

By Mr. BLAIR :

Q. You are a liquor dealer ?—A. Yes, sir.

Q. How long have you been a liquor dealer ?—A. About ten years.

Q. At this same stand all the time ?—A. I have two different stands in the same ward.

Q. You have two different liquor establishments in the same ward ?—A. I have had part of the time ; I have been in two different places ; I was in one place in one street about seven years, and in another three years.

Q. Did you at any time have two different establishments in operation in the same ward ?—A. Yes, sir.

Q. Is your business wholesale or retail ?—A. Retail.

Q. In that way, did you come to be well acquainted in the ward ?—A. I have lived in the ward all my life.

Q. And you knew many or most of these workmen ?—A. Yes, sir.

Q. Did you meet them at your places of business ?—A. At different places in Chelsea.

Q. I ask did you meet them at your places of business ?—A. Some I did ; a good many belonged to the temperance society.

Q. You say that a good many of these workmen belonged to the temperance society ?—A. Yes, sir ; the majority in our ward.

Q. In regard to this man Sullivan, do you know him personally ?—A. Yes, sir.

Q. Do you know that he is there at the present time ?—A. Only from hearsay.

Q. Do you understand that he is still there ?—A. Yes, sir.

Q. I suppose you must have known his political sentiments?—A. Yes, sir; I have known that he was a Democrat; I have seen him attending the caucuses.

Q. Is he still a Democrat?—A. I could not say.

Q. Do you know for whom he voted last fall?—A. My only information is what I heard.

Q. Did you hear anything in regard to which way he voted last fall?

—A. I heard that he voted for Talbot.

Q. What is his position in this elastic works?—A. I do not know.

Q. You do not know whether he is a common workman, a superintendent of some kind, or an overseer?—A. I do not.

Q. How many employes has this company?—A. I have no way of knowing for certain; they say about four hundred men.

Q. Of what nativity are most of those workmen?—A. I cannot account for any of them except those in the ward in which I live; they are generally what they call "the Irish voters;" we count all the rubber men with the Irish voters.

Q. Most of the Irishmen live in your ward and work for this elastic company?—A. Yes, sir.

Q. Do you understand that most of their help is Irish?—A. As a general thing.

Q. And in their politics, Democratic as a rule?—A. Generally; yes, sir.

Q. Can you give the name of any workman of this company whom you heard say that Tom Sullivan said what you have stated?—A. No, sir.

Q. Of the whole twenty-five you cannot recall the name of one in that connection?—A. No, sir; I could not very well.

Q. When did you hear them say this about Tom Sullivan?—A. On election day, the night before election day, and the day before.

Q. Did they mention any other man of the company as having said this?—A. I heard the remark made that Bell, the foreman, would be likely to be there all day.

Q. He was there?—A. I saw him there pretty much of the day.

Q. You were there all the day?—A. I was distributing ballots.

Q. You were pretty active there all day?—A. I was appointed by the Democratic ward executive committee to distribute ballots.

Q. And you did your duty as well as you could?—A. Yes, sir.

Q. You think that Bell was there more on that election day than on any other?—A. He was more active than at any other election.

Q. He did not feel any more interest in the election than other people did? He was not any more interested than you were?—A. I don't think he could be.

Q. Was not the election a very exciting one last year?—A. Yes, sir.

Q. Did not people take an interest in the canvass and in the election itself who never had interested themselves in that way before?—A. In the ward in which I live, all the voters generally vote, even at the city election.

Q. But you had a more exciting canvass last year than ever before, even in that ward?—A. I didn't notice anything particularly more than at any other election.

Q. You have seen Mr. Bell there at former elections?—A. To come in and vote.

Q. And go out again?—A. Yes, sir.

Q. Do you think the help in that establishment voted as generally last year as they ever did before?—A. No, sir.

Q. Many did not vote ?—A. Many did not vote the Democratic ticket as they generally did in other years.

Q. I mean in the aggregate. Did they generally vote as formerly, one way or the other ?—A. Yes, sir.

Q. Do you not know any more specific or particular instance of intimidation than what you have stated ?—A. A colored man came into my shop and told me he would like to vote for Butler, but that he would be apt to lose his job if he did.

Q. What did you tell him ?—A. I told him I didn't think he would.

Q. Did he not vote for Butler ?—A. I could not say.

Q. That you do not call a case of intimidation ?—A. He told me that his employer had said he would discharge him, and asked me if I thought he would. My father had worked for fifteen years for the man for whom this colored man was working, and the colored man thought I ought to know the man pretty well. He asked me, therefore, if I thought the man would discharge him if he voted for Butler. I told him to vote as he pleased. He said that the boss told him the day before the election that he would lose his job if he voted for Butler.

Q. Did he lose his job ?—A. I do not know.

Q. This is what you testified to in the first place, that he came and asked you if you thought he would lose his job ; you thought he would not, and he said he was going to vote for Butler ?—A. He said he would like to.

Q. You never heard of his being discharged or the contrary ?—A. No, sir.

Q. Was your father a Democrat ?—A. Yes, sir. He is dead now.

Q. He worked for the same man for fifteen years ?—A. Yes, sir.

Q. You never heard of his being discharged or turned off on account of his political action while working for this same man ?—A. He was not turned off.

Q. How long has your father been dead ?—A. Five years.

By Mr. PLATT :

Q. What is the name of the employer of the colored man ?—A. Daniel Curry.

Q. What is his business ?—A. He is an oil-merchant.

Q. Is he the same man who was mentioned by the other witness ?—A. Yes, sir. I talked to this colored man several times about it. He said he would like to vote for Butler, but was afraid that he would be discharged.

Q. What is the name of Mr. Bell ?—A. James M. or John M. Bell.

Q. Do you speak of a colored man by the name of Gray ?—A. Yes, sir ; Robert Gray.

Q. For whom did he work ?—A. Daniel Curry.

Q. Do you know whether Mr. McBirney is living or not ?—A. He died within three weeks.

PETER COYNE sworn and examined.

By the CHAIRMAN :

Question. Where do you live ?—Answer. In Chelsea.

Q. Do you know Robert Gray, a colored man, here spoken of ?—A. Yes, sir.

Q. What did he tell you about what his employer told him last fall ?—A. He told me that Mr. Curry came at him in a great rage and asked him if he was going to vote for Butler. Mr. Gray told him that he

didn't know. Curry then said, "If you vote for Butler, I am going to discharge you."

Q. When did he say that this occurred?—A. I don't know exactly the time; it was some week or so before the election.

By Mr. McDONALD:

Q. You say that he said Curry came at him in a great rage? Tell that part of the story.—A. That was what he told me; that Curry was mad, came at him and told him if he would vote for Butler he would discharge him. He asked me, "What would you do about it?" I told him, "I don't know; you can do as you please."

By Mr. BLAIR:

Q. Do you know how he voted?—A. No, sir.

Q. Do you know whether he was discharged or not?—A. No; he was not discharged, I believe.

Q. Where is he now?—A. He is down there working for Curry now.

Q. He is still working for Curry?—A. Yes, sir.

CHARLES A. STOTT sworn and examined.

By Mr. BLAIR:

Question. You reside in Lowell?—Answer. Yes, sir.

Q. Are you the mayor of that city at the present time?—A. I am not at the present time; I was in 1876 and 1877.

Q. How long have you resided in that city?—A. It will be forty-three years on the 18th of the present month.

Q. You were born there?—A. Yes, sir.

Q. What is your business?—A. Woollen manufacturer.

Q. You may state whether you know of any intimidation of employes by their employers in the city of Lowell in connection with the last autumn election?—A. I do not.

Q. State any instance, if you observed any, wherein any intimidation or coercion was exerted by Democrats, or any parties, in the interest of General Butler upon others.—A. I considered the last State election to be one of considerable importance, or of at least sufficient importance for me to give my time to it for that day. In fact, I was a member of the Talbot Central Club of Lowell, and the duty had been assigned to me of looking after voters, or "rallying" voters, as we call it. I attended to that duty in the first part of the morning and then returned to the polls. Our polls open at nine o'clock and close at four in the afternoon. My own ward is the one in which General Butler resides. I took my station near the rail by which the voters passed to the ballot-box; perhaps I was six feet from the ballot-box. At my side stood the chairman of the Democratic city committee of Lowell. In fact, he and I stood together nearly all the day until the time of closing the polls. At about the noon hour, when the working people came in to vote, very many of the men who came up to vote seemed to me to be employes of the Middlesex Company. That is the company of which General Butler is a director. I don't know how they intended to vote at all, but I know that I noticed in the hands of several of them tickets other than the regular Democratic ticket. In several instances they were, I thought, Greenback or Labor Reform tickets. As they came up to the chairman of the Democratic city committee that gentleman snatched those tickets from their hands, told them that they did not want to vote that ticket,

but that the ticket that he offered them was the regular Democratic ticket and was the one that they wanted to vote. They took the ticket from him and, to the best of my knowledge, deposited it in the box.

Q. That was the Butler ticket?—A. General Butler's name was upon the regular Democratic and also upon the Greenback ticket, but there was a difference between the two tickets as to the candidate for Congress, one having the name of John K. Tarbox for Representative and the other that of Mr. Stevens as the nominee of the Greenback party. That was the only case of direct intimidation, if you might so term it, that came to my notice.

Q. I saw a statement in some of the public prints that you had been an intimidator in connection with the election in some way.—A. I saw that statement the next day after the election. General Butler, in an interview with the correspondent or reporter of the Herald, said, among other things, that he had been informed (I believe that was the language) that ex-Mayor Stott had forcibly taken one of his workmen to the polls and made him vote for Talbot against his wishes, or something to that effect. I afterwards read accounts of it in the New York Tribune or some of the New York papers, in which the writer even went so far as to represent that I had taken the man from the factory, brought him to the polls, and had gone with him up to the ballot-box.

Q. You may state any circumstance that did take place.—A. As I have said, I considered the election to be one of sufficient importance for me to give the entire day to it. Governor Talbot was a warm personal friend of mine, and some time previous, in talking with him in regard to the election, I asked him what I could do to assist him. I asked him, "Would it do you any good if I were to take the stump a while?" I suppose he was aware of the extent of my abilities in that direction, as he did not accept my offer very readily. He said that the trouble with this election was that the Republicans seemed to be too quiet; that we wanted personal effort put into the campaign, and that if the influential Republicans of the State would put their shoulders to the wheel there could be no doubt of the result of the election. I thought it important, therefore, to give my time to the election that day; and, as I have stated, I stood near the polls as the voters came up, not with a design to intimidate any, but for the purpose of stopping any who might come with a false ticket in their hands; that is, with General Butler's name pasted over Mr. Talbot's. Now, if you do not know it, I do know it, that in Lowell a majority of the voters are very ignorant, and when one of that class comes to vote and gets to the voting-place, where there are perhaps one hundred and fifty persons present, he is immediately surrounded by vote distributors on every side, and, if he does not know by the names upon it the ticket that he wants to vote, he finds it pretty difficult for him to select it. Consequently, I knew that many men voted contrary to their wishes. The Republican ticket, as you gentlemen have probably learned from the testimony you have had, was a peculiar ticket; one that could be seen of all men. I stood by with the Republican ticket and when I saw a gentleman come with that ticket (in fact, having been there all my life, all the gentlemen of the ward were known to me) I would say, "Have you the regular Republican ticket?" In some cases they would answer "Yes," and go on. In other cases, upon a ticket being unfolded, the fact would be disclosed that the name "Benjamin F. Butler" had been pasted over the name "Thomas Talbot," and I would say, "You see they have pasted that ticket." They would throw down the ticket in disgust, take one from me, and put that one in the box. Toward the close of the day I stepped out toward the center of the ward-

room, and just then a man in our employ came in to vote. As he came in he was fairly beset by these ward distributors, who completely covered him over with ballots. I suppose that he had nineteen or twenty when he got to where I was. I said to him, "John, this is the regular ticket." These men around him said, "No interfering with this man;" and I took him by the shoulder and said, "Let this man alone, let this man vote as he pleases;" gave him a little push and he went toward the polls. I never knew what ticket he voted until one day about a month afterwards when I asked him, "John, what ticket did you put in the box the other day?" He replied, "Why, I put in the regular Republican ticket; I always vote that ticket." So far as my own connection with the intimidation or bulldozing of voters in Lowell is concerned, that is the gist of it.

Q. This man has been always, or for many years, a Republican?—A. As far as my knowledge goes, he has always been a Republican.

Q. And you understood him to be a Republican at that time?—A. I did.

Q. State any doings you have observed on the part of Democrats which were calculated to intimidate voters; anything which shows any intimidating or class influence over the Irish vote of your city by the more intelligent individuals of their own race or from other sources?—

A. I hardly know that I can call it intimidation. I think that with us, in Lowell, nearly everybody is allowed to vote as he pleases. But I have noticed that of late years the vote distributors of the Democratic party are largely of the Irish nationality, young Irishmen (either hired to distribute the tickets or doing it because they prefer that party), who would surround those of their associates or of their own nationality who came into the ward-room and fix their tickets, so to speak. That is the phrase they use, I believe, "fix the ticket." If there is any one running on some other ticket whose name they want to substitute for another, they "paste it," as they use the term. The men coming to vote would be surrounded by these men, who would quite keep control of them, oftentimes, until they got quite up to the polling-box. If those voters were approached by Republicans or given a Republican ticket, whoever made the approach would be simply driven away, though only by language, of course; by expressions such as "You can't have this man," or words to that effect. As far as intimidation is concerned, I consider that there is none in Massachusetts.

Q. On either side?—A. None on either side particularly, except in an instance such as that which I have related that came under my own observation in regard to the chairman of the Democratic city committee.

Q. Is there not, comparatively, a larger laboring population in your State than in any other of the manufacturing States?—A. I am not able to speak as to that. A large proportion of our operatives are females.

Q. What is the present population of Lowell?—A. About fifty thousand.

Q. Is that next to Boston the largest city of the commonwealth?—A. I think that Lowell and Worcester are very near together, and that the difference is in favor of Worcester by a few hundred voters. I think we have on the voting-list about 9,000 voters.

Q. You have been connected with the manufacturing business all your life?—A. Yes, sir.

Q. And necessarily have an extensive knowledge of it throughout the State. At that election or at the Presidential election of 1876, did you know of any intimidation of the operatives on the part of their employers?—A. I never did.

By the CHAIRMAN :

Q. Were you at the meeting at the Parker House in this city in October?—A. I was not.

Q. Were you advised that there would be such a meeting?—A. I was not.

Q. You are a manufacturer yourself?—A. Yes, sir.

Q. Connected with what establishment?—A. The Belvidere Woolen Mills.

Q. How many men do they employ?—A. We have in our employ about forty men.

Q. Of what nationality are they?—A. They are English, Irish, one or two Scotch, and two or three Americans.

Q. There are how many voters among them?—A. I think twenty-five or twenty-six voters.

Q. Are they Irish or English principally?—A. They are English and Irish both.

Q. Is the preponderance of nationality among the voters in favor of the Irish or the English?—A. I think they are nearly even divided.

Q. Do you know the politics of the Irishmen?—A. I know the politics of several of them.

Q. What are they?—A. Republicans.

Q. Are the Irishmen all Republicans?—A. No, sir.

Q. Are there any Democrats in your mill at all?—A. Yes, sir.

Q. About how many?—A. I should judge there were about half a dozen.

Q. Out of the twenty-six or twenty-seven?—A. Yes, sir.

Q. Had you ever been at the polls before all day?—A. Yes, sir.

Q. When?—A. Several years ago.

Q. Were you there in the Tilden campaign all day?—A. I was not there all day.

Q. You did not, then, take part on the election day in 1876 all day?—A. No, sir.

Q. Did you in November, 1877?—A. No, sir.

Q. You staid all day last fall?—A. Yes, sir; all but one hour.

Q. Did you distribute tickets to the employés of your mills as they came up?—A. I did not.

Q. Were the tickets distributed to them before they came up?—A. Not to my knowledge.

Q. Who is your managing and controlling man in regard to the operatives in the mills?—A. Our concern is not a very large one. My father is the chief manufacturer; I come next, and then we have a cousin of mine named John Stott.

Q. Was he at the polls?—A. He was.

Q. Was your father there?—A. He was not.

Q. Is John Stott in the habit of being at the polls all day?—A. He is.

Q. How many of the men from your mills voted that day?—A. It would be impossible for me to tell you.

Q. Did you try to prevent any of the men from voting for Butler?—A. I did not.

Q. Did you give any of the men Talbot tickets?—A. I did not except, that is, in passing me.

Q. That is what I want to know whether, as they passed you, you did not give the democrats Talbot tickets.—A. I might have done it.

Q. And told them that that was the ticket for them to vote?—A. I might have done it.

Q. You told that to independent men ?—A. I might have done it.

Q. These men have families ?—A. Many of them.

Q. Did you discharge anybody for voting last year ?—A. No, sir.

Q. Was any word given out by your foreman or anybody connected with the mill as to how you wanted them to vote ?—A. I think not.

Q. You left that until election day ?—A. Yes ; I did not make any particular effort, but I presume, as many of these employés had been with us so many years and I being quite familiar with them, that in talking over political matters I asked them—I have no doubt I asked several of them—how they were going to vote. Many of them told me they were going to vote for Butler, and I endeavored to dissuade them.

Q. Then you presented yourself at the polls to carry that out by moral influence ?—A. Yes, sir.

Q. The first time for several years ?—A. The first time for several years.

Q. I would be glad if you would tell me to how many Democratic employés of yours you gave the Republican ticket ?—A. I cannot fix the number.

Q. Do you know how many of your employés voted for Butler at the preceding election for Representative in Congress ?—A. Butler then was the Republican nominee. I presume that a large proportion of them voted for him.

Q. Did the Democrats in the mill vote for Butler then as well as the Republicans ?—A. It is really an impossibility for me to tell you that, because I do not know, but I presume that many of them did.

Q. Of course you voted for Butler yourself ?—A. I voted for Butler and took a very prominent part in securing his election.

Q. You reversed that action last year, though ?—A. I did.

Q. You felt that it was important it should be done ?—A. I felt that General Butler was a turncoat, that he had left the Republican party for reasons best known to himself, and consequently that I would do my best to elect the nominee of the Republican party.

Q. Hence you went to the polls and did the best that you could do ?—A. I did the best I could ; yes, sir.

By Mr. McDONALD :

Q. At what time had you this conversation with Governor Talbot about your being one of the speakers ?—A. It might have been a month previous to the election.

Q. Where did it occur ?—A. I have forgotten now. He has a place of business in Lowell, and it may have been there, when I called to see him. He resides four miles from Lowell, but has an office in Lowell.

Q. You called to tender your services to him as a speaker ?—A. I asked him if there was anything I could do. Among other things I asked him if there was a lack of speakers, and said I might be able to say a word in his favor.

Q. He did not think you could be efficient in that way ?—A. He did not. He thought that if we could put a little more personal effort into the campaign it would be better than talk.

Q. And from that time on, you did put more personal effort into the campaign ?—A. Well, I put a good deal.

Q. What do you mean, exactly, by "personal effort" ?—A. I mean, taking an active interest in the election.

Q. Talking personally, do you mean ?—A. No ; looking after the canvassing of voters ; looking after any other matters that might come up ; the distribution of documents ; anything of that sort.



Q. Does it not imply a personal influence or effort as far as you can exert such influence and effort ?—A. Yes, sir ; to exert a personal influence as far as that can be done.

Q. Is not that exertion made by seeing the voter himself rather than by trying to see how many persons may vote ?—A. Oftentimes it may be.

Q. In exercising this personal influence that Governor Talbot desired you to use, did you not make it known to all persons, those who were engaged in the mills as well as others, that you did feel a very decided personal interest in the success of Governor Talbot and in the defeat of General Butler ?—A. I cannot say that I did. My own feelings, as far as the two candidates were concerned, were certainly in favor of Mr. Talbot from the fact that he was the Republican nominee, and also from the fact that I had known him for so many years intimately.

Q. You were ready to go on the stump and proclaim it to the world if Talbot had been of the same opinion on that subject ?—A. Yes, sir.

Q. Now, as you did not go on the stump—A. I did go on the stump a little ; made a few speeches.

Q. In what particular neighborhood ; within sound of your own factory ?—A. No, sir ; beyond that.

Q. Within sound of it ?—A. No ; no man with an ear-trumpet could have heard me.

Q. Within sound of your own operatives ?—A. No. They could have read what I said if it had been put in the papers.

Q. Could they not have heard it ?—A. No, sir.

Q. Could they not have known without reading the papers that you were unusually active and energetic, and felt the necessity of using your personal influence ?—A. They might have known it ; yes, sir.

Q. Do you know whether any of your operatives voted for Butler that day ?—A. I know they have told me since that they voted for Butler. I know that my cousin asked how so-and-so was going to vote, and they told me he was a Butler Democrat, and he afterwards told me that he voted for Butler.

Q. Who was that so-and-so ?—A. A young man who works in our finishing department.

Q. And you inquired of your cousin ?—A. He was our clerk then and is now.

Q. You inquired of him how this young man was going to vote, and he said he was going to vote for Butler. So that you know that one of your employes did vote for Butler ?—A. Yes, sir.

Q. How many do you say voted for him the year before, when he was the Republican candidate ?—A. It is impossible to say. A large majority voted for him.

Q. When you were for him they were for him ; when you were against him they were against him, except this one ?—A. I don't know but that there were others.

Q. Before, when you were for him, there was a large majority of your employes for him ; on this occasion, when you were active in using your personal influence against him, you do not know of but one who voted for him ?—A. You must bear in mind that when he ran for Congress he ran as a Republican, and that a majority of employes in this mill are Republicans.

Q. Still there are quite a number of Democrats there, you say ?—A. Yes, quite a number of Democrats.

Q. Out of all the Democrats do you know of only one Democrat who did not follow your personal lead this time ?—A. I know of that one.

Q. So that your mill is tolerably harmonious on the subject of politics?—A. It has always been.

Q. And pretty unanimous?—A. Yes, sir.

Q. There is not any great need for what they call "bulldozing" in that mill, is there?—A. I should not think that there was.

Q. It is only necessary for them to know how you are personally exerting your influence?—A. I don't know about that matter.

Q. You said that the year before a majority were for him?—A. True; but I just answered your question that a majority were Republicans, and I was for him as he was the Republican nominee.

Q. And as you were for him because he was the Republican nominee, they were for him?—A. We wanted to send him to Congress to offset Ben. Hill.

Q. You were endeavoring to make a solid North against a solid South; was that the cue?—A. That was our idea.

Q. And Ben. Hill was your objective point. He was the man at the South at whom you were aiming more especially?—A. He was, for our candidate thought he ought to be there to look after him.

Q. Butler thought he ought to be there to look after him, and you thought so too?—A. Yes; we thought that, as that was his special mission, we would send him there.

Q. And your employes rather acted and thought the same way?—A. They acted the same way, many of them.

Q. Now, you say that this chairman of this Democratic city committee was standing there and men came up with tickets in their hands—not Republican tickets, were they?—A. I am not able to say.

Q. Could you not tell very easily?—A. Yes, I could have told. I should say they were not Republican tickets, because the Republican ticket last year was a peculiar ticket.

Q. I have understood so. It was easily discerned; but they had Democratic tickets, and the Democratic manager did not know but that those tickets had been doctored?—A. They did not have Democratic tickets.

Q. Then what kind of tickets did they have?—A. The tickets that were circulated at last fall election were headed "Labor Reform"; that is, the Greenback tickets. General Butler's name headed all of those tickets, I think, and several of the nominees were of the Greenback persuasion. Then there was the straight Democratic ticket. These that I saw taken from the hands of the voters were, in my opinion, the Greenback tickets.

Q. They were getting things a little confused and this chairman was straightening the matter out, is that it?—A. My impression is that he thought they did not know how they ought to vote, and that, to prevent any mistakes, he would give them the simon-pure ticket.

Q. Now, as to the tickets they brought up that had somebody's name pasted upon them; whose name was it?—A. That I couldn't tell you.

Q. But you were there to see that they did not paste Butler's name over Talbot's? You, on your side, were trying to keep them straight, as the chairman on the other side was trying to keep the tickets on his side straight?—A. Yes, sir.

Q. Was he doing anything unlawful, in your opinion? Was he trying to trick or coerce the men into voting in a way different from that in which they were inclined to vote?—A. You must draw your own inference from the circumstances as I have related them.

Q. No, I am asking for the opinion that you had of his act at the time, while you were standing by his side?—A. Taking forcibly a ticket.

from the hand of a voter and substituting another would not appear to be a lawful act.

Q. I do not propose to enter into an argument about it, but I am asking you what you thought of it, then, when standing by his side?—A. I thought it was something of an outrage.

Q. Did you tell him so?—A. I don't remember. We had more or less of chaffering back and forth.

Q. Did you tell him that he was committing an outrage?—A. I may have. I don't remember.

Q. When you were taking tickets out of the hands of Republicans and putting straight ones in their hands, what, do you suppose, did he think of that?—A. Did I testify that I took any out?

Q. You gave them other tickets. Did you not put other tickets in their hands?—A. I held them out in this way. They took them from me.

Q. Were any of those who took tickets from you employés of your mill?—A. No, sir.

Q. They were outside parties?—A. They were outside parties.

Q. When you were handing out tickets to the men because you were apprehensive that they might have Republican tickets on which there had been some doctoring done, what did the chairman of the Democratic city committee, who was standing by you, say about that?—A. I don't think he said anything.

Q. You thought it was an outrage for him to take tickets from Democrats coming up there and give them straight tickets, but that it was perfectly right for you to give Republicans straight tickets?—A. It was right in the way that I gave them.

Q. You were more polite about it than he. You said, "If you please, sir"; while he, you say, snatched them out of the hands of the men and said, "Here's the ticket you want." You are sure that your act was perfectly right and that his was wrong?—A. I am sure that mine was correct.

Mr. McDONALD. But you have undertaken to judge of his action and your own also?

By Mr. BLAIR:

Q. Have you ever known any instance whatever wherein any manufacturing corporation or any one in their behalf has discharged an employé for having voted as he pleased?—A. It never has come under my observation in the city of Lowell.

By the CHAIRMAN:

Q. You meant to have your men vote against Butler?—A. So far as they would—yes, sir.

Q. Did you not mean that all the power that could be exercised and all the influence that could be brought to bear there should be exercised and brought to bear in favor of Talbot?—A. I believe that any man entitled to the suffrage has the right to exercise it freely; and so far as any man wished to vote for Butler, he was not intimidated in any way.

Q. That is not the question.—A. Of course I exerted every reasonable influence I could to secure their votes for Talbot. Now, I must take back that statement, because I do not think I interviewed more than two or three of our people previous to the election. That is my impression now.

Q. Then you did interview some of them?—A. Yes, sir.

Q. What did you tell them?—A. I simply asked how they were going

to vote; and if they were going to vote for Butler I tried to dissuade them, to have them to vote the other way.

Q. Did you not propose that they should vote the other way?—A. It was simply to dissuade them from doing it.

Q. Did you not propose to have your employés vote for Talbot and against Butler? Answer that question.—A. Only so far as—

Q. Answer the question yes or no.—A. You must accept the answer as I give it.

Q. Answer that question—whether you, in your own mind, did not propose to have your employés vote for Talbot and against Butler—yes or no?—A. I shall answer it no.

Q. Now, you can explain.—A. Because of the fact as far as I have expressed it heretofore. I used all the influence that I could to dissuade those men with whom I talked. I don't think I interviewed more than half a dozen of the Republicans; but those I did interview, if I found they were Butler men, I endeavored to dissuade from voting for Butler.

Q. You exercised all the influence over them that you could morally. Can you tell us the argument you made use of?—A. I cannot.

Q. Can you tell us how you compared Butler with Talbot?—A. I presume I must have compared them. Talbot was a stockholder in one of our mills; he was well known; in fact, some of our men had worked for him.

Q. Did you not tell them that the mills would have to stop if Butler was elected?—A. It is impossible that I used that argument.

Q. You believed in Talbot's financial theories being beneficial to labor; did you not tell them that?—A. I presume I posted them in Talbot's money views as opposed to the general's greenback theories.

Q. You cannot give me the number of Irishmen in your employ who voted for Butler?—A. I have given you one; whether there were others or not, I do not know personally.

Q. He voted last fall a sealed envelope?—A. No, sir.

Q. An open ballot, easily distinguishable?—A. Yes, sir.

Q. Do you recollect any Irishman, one of your men, who passed you going to the polls with a Butler ticket in his hand?—A. I do not.

By Mr. PLATT:

Q. Do you think that any man in your employ voted under any fear that he would be discharged if he voted for General Butler?—A. I am confident, as I have said here, that he did not.

By Mr. BLAIR:

Q. You have said that there were only some half-dozen Irish Democrats in your employ?—A. I don't know that I stated any exact number. There are about twenty-five voters. I think that the majority of them are Republicans. Perhaps there may have been six or eight who would class themselves as Democrats.

By Mr. McDONALD:

Q. There was one of your men who got a Democratic ticket into his hands, but whom you made all right before he got to the polls?—A. They got many tickets. There were all kinds of tickets there.

Q. I refer to the one who was pushed by you in the direction of the polls?—A. That man, as he was coming in, received all the tickets as they were given to him, some nineteen or twenty of them, and got confused; and when he got to where I was I gave him the simon-pure ticket, and told him, "This is the Republican ticket, John."

Q. He was liable to be upset and you thought to straighten him out?—A. Yes.

By the CHAIRMAN:

Q. Was that "John" an Irishman or an Englishman?—A. He was of Irish nationality. I have seen many Americans get confused under like circumstances.

EDWIN MOORE sworn and examined.

By Mr. PLATT:

Question. Where do you reside?—Answer. In East Douglass.

Q. What is your occupation there?—A. Agent of the Douglass Axe Manufacturing Company.

Q. How long have you been such?—A. About fifteen years.

Q. Is your establishment a corporation or a private firm?—A. It is a corporation.

Q. Who is the president of it?—A. Mr. Perkins, of Boston.

Q. As agent, what is your business in connection with the company?—A. I am the manufacturing agent and attend to the manufacture of the goods.

Q. How many hands are employed by that company?—A. About three hundred.

Q. Of those 300, how many are voters?—A. I judge there may be something like one hundred and fifty to two hundred.

Q. What are their politics ordinarily when you can tell what a man's politics are in Massachusetts?—A. I judge that a majority, perhaps, of the voters are Republicans.

Q. Can you give the proportion any more closely than that?—A. My impression is that perhaps about two-thirds may be Republicans; I am not very well posted in regard to their politics.

Q. Who is Albert Butler?—A. He is foreman in the forging departments, in the chopping-axes.

Q. How many hands are employed in the forging department?—A. In his department there are about fifty.

Q. What are your politics?—A. I am a Republican.

Q. It has been testified to by certain witnesses here substantially that they had heard that at the last State election you told the men or some of the men in the employment of the East Douglass Axe Company, that if they voted for Butler they would be discharged. Did you ever tell any man connected with that establishment anything of the kind?—A. I never intimated to any living man anything of the kind.

The CHAIRMAN. No one testified to that as to Mr. Moore at all.

Mr. PLATT (after discussion as to the purport of the testimony already given). If I have misstated what some of the witnesses have said I am glad to be corrected. (To the witness:) I will ask you, then, this, whether, at the last Presidential election, or at any election since 1876, you have said to your employes, or in any way given them to understand, that if they voted the Democratic ticket they would be discharged or would suffer in any manner from your hands or from the hands of the company?—A. I never intimated anything of the kind to any man on our works, never.

Q. It is said that you talked with some of the men in your works on politics?—A. I presume that I have. I have no recollection of talking to any particular one. It is very common for us to talk twice a year

on politics in our State, and I presume I may have talked to our men on politics.

Q. It is said that you told Democrats or told your men that it was for their interest to vote against Butler. What is the fact as to that?—A. I have no recollection of saying it to any particular man. I presume I might have said in our conversations with our help or anybody else, that I thought it was to their interest to vote for Talbot last fall.

Q. In saying so, did you intend to be understood as saying that they would suffer any if they did not so vote?—A. I did not.

Q. Do you believe that any man in your establishment understood you so?—A. I do not; I never heard it intimated that any man understood anything of the kind from me until within the last three days.

Q. Was any constraint used by you upon your men with reference to their voting, in the election of 1878?—A. None whatever.

Q. Were you at the polls on election-day?—A. I was.

Q. What did you do there?—A. I distributed votes awhile, for an hour or two, perhaps.

Q. Were you distributing votes voluntarily or under some appointment?—A. Under an appointment. At the Republican caucus I had been chosen as one of the vote distributors.

Q. You have always been an active Republican?—A. I have. I have taken a part for a great many years.

Q. Had you ever distributed votes before?—A. I think I had, but not very often. I have done so whenever I have been chosen as a vote distributor. I have been moderator of the meeting many times, oftener, perhaps, than any other man in the last dozen years. I was town clerk nine years, and I have not unfrequently been chosen as rallying committee, but not very often as vote distributor. I believe I have always acted whenever I have been chosen in that capacity.

Q. To whom did you distribute votes?—A. To any one who would take them. I stood near the entrance of the hall, near the door, while I did distribute, as people came in. Several of the vote distributors were there and stood beside me. I remember that Mr. Draper was one who was beside me. He was distributing the Butler ticket and I the Talbot ticket. As people came in we offered them tickets.

Q. Were your efforts confined to the people who worked in the mills, or were they directed to all?—A. They were directed to all.

Q. It is said that you were there to watch how the men voted. How was that?—A. I was not. I don't know how they voted. I was not within forty feet of the voting place most of the time, certainly not while I was distributing. I was at one end of the hall, the voting place was at the opposite end of the hall, and I distributed votes to such as chose to take them. I never followed a voter up to the polls during the day.

Q. Do you know whether politics were freely talked in the shop and among the hands on both sides in the Douglass Axe Factory?—A. I think they were. That is usually the case. For a week or two along before the election they generally discuss the matter more or less.

Q. Who is the inspector of the forging department?—A. Albert Butler is the inspector of the forging of the axes. He has the bits and belts. We have several inspectors.

Q. Is he salaried?—A. Yes, sir.

Q. Have you any knowledge that he used any undue influence upon men in your shop as to how they should vote in that election?—A. I have not, and as I said before, I never heard that there had been any undue influence used by myself or Deacon Butler or any one else until within a week.

Q. Was there any understanding between you as agent of the corporation, and Butler, as to the part he should take among the men in reference to the election?—A. None at all. The subject was never mentioned between us. Our men, I think, understood generally, I have stated it myself, that they had a perfect right to vote as they pleased; that I did not propose to dictate. I never have.

Q. You have stated that to your men?—A. Yes, sir.

By Mr. McDONALD:

Q. At what time?—A. I have stated it a good many times.

Q. Within the last two years?—A. Yes, sir; I remember particularly having stated it last spring.

Q. That was a town election. We are not inquiring as to that.—A. I don't remember that I said that last fall. I do not think that I did.

Q. Do you know Warren Casey?—A. I do.

By Mr. BLAIR:

Q. Was this statement which you made to your men last spring, that they were free to vote as they pleased, a general statement, that is to say, a statement which gave them to understand that you wanted them to vote as they pleased generally and not merely at that particular time?—A. It was in regard to the town election.

By Mr. PLATT:

Q. I understand you to say that you do not remember making this statement last fall?—A. I do not remember having made it last fall.

Q. Do you remember having made it in former years?—A. Last spring is the only time to which I have reference.

Q. How were your men taken to the polls?—A. They went as they usually go; some ride, some keep to the teams, some go on foot.

Q. By whom are the teams furnished?—A. I think that a majority of the teams were furnished by Mr. Roberts and by Mr. Knapp; I do not know who.

Q. Were they furnished by the company?—A. No, sir.

Q. Did each political party furnish teams to take men to the polls?—A. I think they did—that is, a few teams. My impression is that both parties furnished some teams.

Q. Did you supply the men with Talbot tickets prior to going to the polls?—A. I did not.

Q. Do you know Warren Casey?—A. I do.

Q. So far as you know, was he discharged from the employment of the company on account of any vote which he had cast, or on account of his politics?—A. He was not.

Q. Was any man, to your knowledge, ever discharged on account of his politics?—A. There never was a man to my knowledge.

Q. One-third of the men in your employ, you say, are Democrats. How long have some of them been there?—A. From ten to twenty-five, some perhaps thirty years.

Q. And you have known them to be Democrats?—A. O, yes, sir.

Q. Do you know Burton Goddard?—A. I do.

Q. Has he been discharged from the employment of the company?—A. No, sir.

Q. He works there still?—A. Yes, sir.

Q. So far as you know, has any intimation been given to any man from anybody connected with the company that he would be in danger of being discharged if he voted for General Butler?—A. No, sir; I have no

idea that any such intimations have been given by anybody. Nobody has any right to give them, and I do not think they have been given.

Q. Do you know Rufus Belden ?—A. I do.

Q. Do you know how he voted in the election of November, 1878 ?—

A. I do not know. I don't know what his politics are; I never exchanged a word with him in regard to politics in my life. I don't know how he does vote.

Q. Was there, so far as you know, any reason for him to apprehend that he would be discharged if he voted for General Butler ?—A. No, sir; no reason, whatever. My impression is that he was not in our employ at that time—that he has commenced since last fall; I think so; I would not be positive.

Q. I think it appears that he did in fact go to work about that time ?—A. It is very possible.

Q. Do you know Mr. Dudley ?—A. Yes, sir.

Q. It was Mr. Dudley, I believe, who stated that Belden had told him he did not dare to vote for General Butler.—A. I do not know anything about it.

By Mr. BLAIR :

Q. Comparing the election of last fall with other elections, as you have known of them, state whether or not you have ever known a freer and fairer election than that of last fall.—A. I do not think that I have.

Q. Did you ever know of any more intimidation on the part of Republicans in the State than there was at that election ?—A. No, sir. I may have read in the papers that there was something of that kind, but there was nothing in our vicinity that I know of.

Q. Did you know of any discharges from employment, or of working people in any way coming to harm, because they voted in a way different from that in which their employers voted ?—A. No, sir.

Q. Nothing in either case that looked like interference with the freedom of the ballot on the part of the employers ?—A. No, sir.

Q. How large is your town ?—A. It has about 2,000 inhabitants.

Q. About what is the vote there ?—A. It does not usually cast more than 300 votes. That is about the aggregate vote; it seldom exceeds 320.

Q. You said that you had frequently told your men that you wanted them to vote as they pleased. I want to know how long ago it was that you made that statement first. How long have you been at work for this corporation yourself ?—A. Twenty-nine years.

Q. Has this matter of the free exercise of the ballot ever been discussed until last spring; had you ever before said anything about it, or that you wanted the men to vote as they pleased ?—A. I don't remember anything about it, but I think that, in talking on political matters, I have made that assertion quite frequently.

Q. Have you any doubt that it is the general understanding among the employes of that concern that every man is at liberty to vote as he pleases ?—A. I have not the least doubt that every man feels that he is free to vote his political opinions without any fear. I do not believe that there is any man on the works who ever fears there will ever be any evil consequence coming to him for voting his opinions. They are as free as any other men in any city of Massachusetts or in the United States.

Q. You never knew of any evil consequences to come to any of the men for voting his opinions ?—A. No, sir; I never knew of any since I



have been connected with the company and I have been connected with the company as bookkeeper and agent for twenty-nine years.

Q. What other establishments are there in your town beside this one ?  
—A. None but what grow out of ours.

Q. This establishment covers really all that employ operatives in the town ?—A. Yes, sir.

By the CHAIRMAN :

Q. You are a Republican ?—A. Yes, sir.

Q. You always have been such ?—A. I have been such for many years.

Q. You want the party to win ?—A. Yes, sir ; of course.

Q. You are anxious ?—A. Yes, sir ; not overanxious.

Q. You were present at the Presidential election of 1876 ?—A. I do not remember whether I was or not.

Q. You were there in 1877, of course ?—A. I do not remember.

Q. But you are sure you were there last year, distributing tickets ?—  
A. I am sure that I was there last year because I remember some little incidents about it. I know that I stood at the entrance to the hall, right close to Mr. Draper, who was before you on Saturday, and that he was distributing the Butler ticket.

Q. Was not this the first time that you appeared as a distributor of tickets at this poll ?—A. I think I have, several times.

Q. When ?—A. I could not tell you ; I think I have several times.

Q. You stood in the center of the room. What ticket did you give out ?—A. The Talbot ticket.

Q. Was it open ?—A. It was an open ticket.

Q. Anybody could see how the man who got it voted ?—A. Yes, sir.

Q. Where did Mr. Butler stand ?—A. Up at the other end of the hall, near the ballot-box.

Q. Near the ballot-box ?—A. Yes, sir.

Q. He could see, then, how the men who came forward with the open ticket voted ?—A. Yes, if they did not have them folded.

Q. Is it not the right of the selectman to see the ticket if the voter votes an open ticket ?—A. Yes, I think they have. I have not noticed whether they saw the tickets of the men from the works.

Q. Who in the establishment has the largest number of men under him ?—A. I think that Mr. Butler has. He has about fifty.

A. You, the agent, were there distributing tickets, and Mr. Butler, the next man, was there looking on to see if the tickets were voted ?  
Was that so ?—A. No, sir ; I am not aware that that was so.

Q. What was he doing ?—A. He was chosen at the caucus. We usually have, for years, chosen two. He and Mr. A. J. Thayer were chosen at that time as the challenging committee.

Q. Who is Mr. Thayer ?—A. He runs a grist-mill in the town.

Q. He is not connected with the corporation ?—A. No, sir.

Q. Then of the three men selected by the caucus to challenge and distribute votes, two were from the corporation and one from the grist-mill ?—A. Yes, sir.

Q. How many men has the grist-mill ?—A. I do not know how many employés.

Q. Do you know how many of the men in your works are Democrats ?—  
A. I do not.

Q. You did tell men there that it was to their interest to vote for Talbot ?—A. I have no recollection of telling anybody, but I presume I may have told them that.

Q. That is the way you felt ?—A. Yes, sir ; I should have told them

so. I am not any more likely to tell the employés that than to tell the outsiders.

Q. But whatever influence you exercised you would not hesitate to use among the employés, and would be more likely to use it among them than outsiders ?—A. Yes, but not any more so.

Q. You would not talk outside just as you talk in the shop ?—A. Yes, sir ; I think so. I would not undertake to dictate to the men in the shop. They are very independent men. They are ax-makers. If I undertook to dictate to them, I should suppose I would get the worst of it.

Q. Did Mr. Albert Butler ever undertake to dictate to the men in the shop ?—A. I do not know. He may have.

Q. Did you not hear of it ?—A. I have no recollection of it.

Q. Did you offer these tickets that you had to Democrats ?—A. I have no recollection ; I may have.

Q. Did they take them ?—A. I do not know. There may have been some one who took them. The voters would come in at the door, where there would be perhaps four or five vote distributors who would have a handful, and they would say they wanted one or two kinds. They would get them and move along towards the other end.

Q. And when they got up to the other end, Deacon Butler would see how the ticket was ?—A. I should presume he might have seen.

Q. Now, you think it likely that a man with a family dependent upon him and the prospect of a bad winter coming on, who had received an open ballot, would go up and vote it with Mr. Butler looking on, and yet vote perfectly free ?—A. I think he would be perfectly free and perfectly safe, and think that our men would so understand it.

Q. Did Mr. Butler distribute any tickets where he stood ?—A. I did not think he did. I did not see him do it.

Q. What was he doing up there ?—A. As I said, he and Mr. Thayer had been chosen as the challenging committee. Their duties were, if any men presented themselves to vote who were not legal voters, to challenge their votes ; and then, of course, it was the duty of the selectmen to inquire into the matter and see if they were legal voters.

Q. Do you know whether there was any difference in the result in your town in the election of November, 1878, from what it was in November, 1877 ?—A. I think there was.

Q. What was the difference ?—A. I think there was a gain for the Republican ticket.

Q. You were not there in 1877 ?—A. I am not sure. I am generally there. I go twice a year, in the fall and in the spring, and take an interest.

By Mr. McDONALD :

Q. You say that the Republican committee made these selections ?—A. At the Republican caucus.

Q. Which was held for the purpose of making final arrangements for the election ?—A. Yes, sir.

Q. You say you were at the polls some two hours, distributing tickets. At what time of the day was that ?—A. I went up, I should say, from 11 to 12 o'clock. I think that when I got up there the meeting had commenced and the voting had commenced. I got there about half past eleven, and think I remained there up to one o'clock.

Q. About two hours ?—A. I presume so.

Q. Do you remember how many tickets you distributed in that time ?—A. I do not, exactly. I distributed, I should think, 25 or 30, possibly more.

Q. Any more than that?—A. I do not think I did, not a great many, because there were others still farther out than I was, who were outside the building, distributing tickets.

Q. You say that the voters generally took tickets from anybody who offered them and put them in their hands, that a man coming to vote generally had a handful; and that, although he may have had two or three in his hands, you still handed him another?—A. Yes; that is the rule with us.

Q. About what time did the factory hands come in to vote?—A. They came in all through the day.

Q. When did the largest number of them come?—A. I should think after noon. Our voting place is two miles from our works. A great many of our workmen work until noon, and after dinner go up and vote. I think a majority come in after noon.

Q. You remember to have seen quite a number come in while you were standing there?—A. I do not remember any number, but I think I did. I presume I did.

Q. You took an unusual interest in the election last fall, did you not?—A. No, I don't think I did. I generally take an interest in elections, but don't think I did take any unusual interest last fall.

Q. Was it not a pretty heated election?—A. Yes; still it passed off as smoothly with us as any election we ever had.

Q. You were very much in favor of the election of Talbot and very much opposed to the election of Butler?—A. Well, not very much. I was in favor of the election of Talbot.

Q. You were not very decided?—A. O, yes; I am always decided.

Q. You think that there might have been a little more political feeling?—A. I do not think I was as much interested as I have been some years. Some years I have been a good deal interested.

Q. How many of those connected with the establishment are salaried men of the corporation?—A. There are six, I think.

Q. What are their politics?—A. I believe they are all Republicans, every one.

Q. Each one of these salaried men has some particular department to some extent under his control, has he not?—A. No, sir; I am one of the salaried men, but then I have three clerks—bookkeeper, shipping clerk—yes, there are four of us in the office, and there are two in the shops.

Q. The two in the shops are those who come in direct contact with the men at their work?—A. One of them does, the other does not. I will correct my answer as to the number of salaried men, as I now remember another, our machinist, who is a salaried man. There are therefore seven, instead of six.

Q. He is a Republican, too?—A. I am not sure. I do not think he always votes Republican; sometimes, I think, he may vote the Democratic ticket.

Mr. PLATT. What is his name?

The WITNESS. That is Mr. Brown, our head machinist.

By Mr. McDONALD:

Q. Sometimes he does not vote at all, sometimes he votes the Republican ticket, and sometimes he may possibly vote the Democratic ticket?—A. I would not be sure about his voting the Republican ticket, particularly in town matters. It is rather my impression, though, that is, I heard so, that he was rather inclined to vote for Butler last fall. He was inclined to vote for him, whether he did or not I don't know. I never asked him.

Q. You do not know how he voted ?—A. No, sir.

Q. You said you had conversations with the employés there long before the election upon the subject of politics ?—A. I do not remember. I say I may have had, but I do not remember having had any particular conversation with them in regard to the matter.

Q. Were you not pretty active in talking politics last fall ?—A. I was not. I am not much of a talker in politics.

Q. Did you not attend the Republican political meetings ?—A. Yes, sir; we did not have more than one or two, I think; I always attended them when we had them.

Q. Did you take an active part in the meetings ?—A. No, sir; I did not take an active part, I did not make any speeches or do anything of that kind.

Q. Was Mr. John D. Washburne down at the factory during the canvass ?—A. I did not see him there.

Q. You do not know of his being there to make speeches ?—A. I have no recollection of his being there to make speeches.

Q. You know him ?—A. I know him by reputation.

Q. You know him ?—A. Yes, sir.

Q. You know of his being chairman of the Worcester City committee ?—A. I have no recollection of his ever coming to Douglass. I do not think he did.

Q. You had no interview with Governor Talbot on the subject of the canvass, had you ?—A. I never saw him.

Q. Nor with the chairman of the State committee, Mr. Thayer ?—A. No, sir; I never saw him.

Q. Mr. Thayer never made one of his speeches to you ?—A. No, sir.

Q. You know him ?—A. I am not personally acquainted with him.

Q. Are you acquainted with Senator Hoar ?—A. I am.

Q. Did you have any interviews with him on the subject of defeating Butler ?—A. My impression is that Senator Hoar was at our place and gave us an address, one evening, last fall.

Q. You think that he was there and addressed your people ?—A. I think he did.

Q. Was there a pretty full turnout of your establishment on that occasion ?—A. There was, of a pretty good number; yes, sir.

Q. What effort was made, if any, to get the employés out to the meeting there for Senator Hoar to address them ?—A. No effort was made, to my knowledge. We have a town committee whose duty it always is to make arrangements for the fall meeting, and, in the spring, for the annual town meeting, and, as they put up their notices, people went. I don't know of any in particular who went.

Q. Who formed the town committee ?—A. Mr. Stilman Russell and Thomas H. Meek. I think there were only two members of the committee.

By Mr. PLATT:

Q. Albert Butler is one of your salaried men ?—A. Yes, sir.

Q. Is he a Republican ?—A. I think there is no doubt of it.

Q. Every time ?—A. Every time.

Q. Do you make any distinction between a Republican and a Prohibition man ?—A. Yes, sir; we have some Prohibitionists with us who do not vote the straight Republican ticket, so we call them "Prohibitionists."

Q. Had Mr. Butler acted with that party sometimes ?—A. I don't think he has ever voted with them. He is a very strong temperance man,

but he believes in working for the cause of temperance inside the Republican lines.

Q. Rather than out of them?—A. Yes, sir.

Q. Were there other vote distributors than yourself that day on the Republican side?—A. Yes, sir; there were several; I think there were half a dozen. There might have been more.

Q. Were there as many on the Democratic side as on the Republican side?—A. Yes, sir; there are usually.

Q. Was there any concert between Mr. Butler and yourself on that day as to the respective duties which you and he should perform at the polls?—A. None at all.

Q. I think that some one has testified that the Talbot vote was largely increased through the efforts of the Douglass Axe Company at that time. Can you give any reason for the increase of the vote there at that time, if there was any increase?—A. Yes, sir; I think I can. I know that there was quite a good number of the Democrats, and they were leading Democrats in the town, who were strongly opposed to Butler and who voted the Abbott (the straight Democratic) ticket. I know some of the leading Democrats who voted the Talbot (Republican) ticket.

Q. Have you reference now to people who worked in your establishment, or to other citizens of the town?—A. There were some of both, inside and outside.

By Mr. McDONALD:

Q. Was Mr. Albert Butler in favor of the prohibitory law and opposed to its execution?—A. He can answer that better than I can perhaps.

By the CHAIRMAN:

Q. Was any one of the salaried men of the mill or of any of the establishments distributing Democratic tickets there that day?—A. There were employes who were.

Q. But salaried men?—A. As I said, we have seven. Yes, I think that one of the clerks in the office distributed votes to Republicans.

Q. The question I ask is whether any of the salaried men of the mill, who were there that day and distributed votes, were Democrats?—A. No, sir.

By Mr. PLATT:

Q. Draper was distributing Democratic tickets and he was employed there?—A. O, yes, sir. He distributed the Butler ticket.

Q. Were there other Democratic employes who were distributing Butler tickets there, or do you not remember?—A. I do not remember who were their distributors.

ALBERT BUTLER sworn and examined.

By Mr. PLATT:

Question. What is your age?—Answer. Sixty-four years, last month.

Q. Are you in the employ of the Douglass Axe Factory?—A. I am.

Q. How long have you been in their employ?—A. Ever since the company was organized.

Q. How long is that?—A. Some thirty-five or thirty-seven years.

Q. In what capacity are you employed?—A. I have been employed

there for the last fourteen or fifteen years as foreman of the forge shop. Before that, I forged myself,

Q. What have been your politics?—A. I am a Prohibition Republican, or a Temperance Republican, temperance first, always. I have said to my Republican friends that, if they wanted my vote, they must put up temperance men; I have said also to the Democratic party that if they would put up temperance men for candidates (if the Republican party did not) I would vote for a temperance Democrat, but I have never had the opportunity to change as yet.

Q. The temperance question is first in your mind as a matter of politics?—A. It is, and has been for years.

Q. It is said that you were at the polls at the fall election of 1878.—A. I was.

Q. In what capacity were you there?—A. I was chosen a committee, as Mr. Moore has stated, to challenge those who were illegal voters. Perhaps I can explain the reason why my name may have been used. Our works employ men, no boys nor females. The Manchaug manufacturing village was a little way above, two miles or more. Many of the children and females work in the mill of that company and consequently some of our workmen work up there and there is continual changing, moving from one village to the other, because of being so connected. Frequently, men come to our polls to vote who have moved up to Manchaug within a few weeks or a few days and, on the other hand, men who had come to live with us six weeks or two months before they came to vote had lived perhaps in Manchaug. The fact that I was acquainted with the men in the shop was the reason why I was chosen several times as challenging committee.

Q. Had you been chosen and had you acted as such challenging committee at several elections?—A. Yes, sir; for a number of years.

Q. Was there any concert of action between you and Mr. Moore as to what duty you should perform on that day?—A. There never was a word exchanged between us on the subject.

Q. What did you do at the polls?—A. I stood within a proper distance, where I could see. When a man came up to vote, I could not tell how he voted because the tickets were very much alike indeed, but I stood to see if a man came up to vote who had no right to vote.

Q. Did you challenge anybody that day?—A. I did; perhaps three or four different individuals; and in our challenging and in the investigation of the facts as they were brought before the selectmen to be decided, whether the parties were voters or not, there was not a single instance to my knowledge in which the decision was not satisfactory to all parties. I never heard any complaint.

Q. It is said that, previous to this election, you talked to the men in the shop about politics. Is that so or not?—A. I presume I did; I know I did.

Q. What did you say to them, and how did you talk to them?—A. I talked to them in this way: "Gentlemen, everybody has a right to vote according to his best judgment; I don't dictate in the matter; but you know that I have a great regard for the principles of temperance; they come first with me always; and I consider General Butler to be a man who is in favor, in principle and in practice, of the liquor business, the sale and use of liquor; I wish every man would vote for temperance men." Being a temperance man, as I am, I used my influence in that direction. I did not ask them to vote for Mr. Talbot. I said to Mr. Goddard (I recollect talking to him about the matter), "If I was a Democrat I would vote for the best Democrat I could find or know of who

would be up for office; that is Mr. Abbott; I would rather a thousand times vote for him than for General Butler." That is what I talked about.

Q. In talking with them, then, in regard to voting, the prominent thing that you kept in view was the matter of temperance?—A. Yes, sir; always.

Q. I will ask you this question: Did you say anything to any man in that shop to the effect that he would be discharged in case he voted for Butler?—A. No, sir; to no man living, in the shop or out of it. I had no such idea, and advanced none.

Q. Did you say anything by which you intimated or intended to intimate anything of the kind?—A. No, sir; I said this—if you or they could infer such a thing—that it was the interests of the Douglass Axe Company, it was the interest of every good citizen in the town, to vote for temperance men and temperance principles.

Q. Did you say to any of them that if they voted for General Butler they voted against their own bread?—A. No, sir; never.

Q. Do you know Warren Casey?—A. I do.

Q. Was he discharged about election time?—A. He was, or a short time after.

Q. On what account?—A. On account of his intemperate habits, neglecting his work. He is an active young man, but he has a strong appetite for liquor, and as a rule—it might have been every week, but a majority of the time, week after week—he would be off one or two days, leaving his work and his foreman lying still. He was a striker, and his foreman would have to lie still on account of his being away. I talked to him a great many times, tried to dissuade him from the use of intoxicating liquors, to break off from it, and appealed to his moral sense as a young man, one who had a young family, not to do so, and he promised me quite frequently that he would not, but he continued on. Before election, at this particular time, he went off, had a spree, came back, and was not fit to work. His foreman complained about his striker being off. I talked with Casey about it, and he undertook to deceive me. He falsified very much, indeed, as to where he had been, and the whole thing about his drinking. I ascertained the facts afterwards, and I asked him why he falsified, why he lied to me so about the matter; and he, seeing that I was posted in the facts, owned up then to just what I charged him with. "But," he said, "I am going to stop now; I am not going to drink any more; it makes a fool of me." I said, "I hope you will; but you know, Warren, I have talked to you a great many times about this matter, and to stop drinking for your own good, and for the sake of the company; you can do no good while in your intemperate habits." He promised and went to work. I said, "There is one thing about it, if you falsify and lie to me again in the way that you did the last time that you were on the spree, you may never expect any more work here." It went on well enough for ten days or a fortnight, when he was gone again on a spree, in which he got his face bruised some.

Q. Come to this time when he was actually discharged. I do not know but that you are coming to it.—A. Yes; I am coming to that. I asked him what ailed his face, where he was, and so on. I had then got the facts as to where he had been. He undertook to deceive me, and I told him all the circumstances, and said to him, "I have borne and borne all I could with you; I have no hopes of your reforming and keeping your word; you cannot keep your word and do your work with the company, therefore it is not to the interest of the company to employ you any more." There was not a word said about voting. I was told after-

wards, by as good and truthful a man as there is in our town, that Casey had admitted to him that he did not blame me for discharging him, because I had done just as I said I would do. That I can prove before any man.

Q. Did the way in which he had voted have anything whatever to do with his discharge?—A. No, sir; it was on account of his intemperate habits, and the way he had neglected his work.

Q. Had you said anything in reference to discharging him in case he voted for Butler?—A. Not a word.

Q. Had you asked him how he was going to vote?—A. I might have; I presume I did; I did ask several.

Q. Have you any recollection as to a conversation with him in particular?—A. I think I did, one day after he got done work, ask him how he was going to vote, but I never told him anything of discharging him, whether he voted one way or the other.

Q. He is back in the employ of the company now?—A. He is not under me. He is somewhere at the lower works, I believe. I never heard this charge made; I did not know of it, and I think there are gentlemen here who will confirm what I say. There was no excitement, and no talk about discharging Warren Casey, or any other of the men of our place, on account of their voting for General Butler or any one, until the middle of last week, after some men had been summoned there to come down to this court of inquiry.

Q. You challenged at the polls?—A. I did.

Q. Did you attempt to influence anybody as to how they should vote at the polls?—A. No, sir.

Q. Did you have ballots in your hands at the polls, challenging?—A. No, sir; I never had any tickets in my hands all day, only the one that was brought to me to vote by one of the distributors.

Q. Did you have any conversation with the men of the Douglass Axe Company in reference to voting?—A. I did not. I never spoke to the men about voting.

Q. Did you observe how the men of the Douglass Axe Company voted?—A. I could not tell how many of them voted. Their tickets were very much alike; they were of white paper and about the same size. A good many voted with their vote folded up together.

Q. Did you, that day, attempt to do anything except to watch for illegal voters and to challenge them?—A. Nothing. No other part did I take in the election all day.

Q. How frequently had you done that at elections?—A. I have done it several years; I cannot tell how many years, but several years.

Q. Do you know Burton Goddard?—A. I do; he works in my shop.

Q. Did you say anything to him in reference to how he should vote?—A. Yes, sir.

Q. What did you say to him?—A. I said the same that I said to others. I had nothing to say about partyism, about Mr. Talbot, or any other one, but I hoped he would vote for good temperance men. I told him that I thought it was his interest and my interest and every other man's interest and of the Douglass Axe Company to vote for temperance men. I said, "I don't ask you to vote for Mr. Talbot; vote for Abbott or any other one." I didn't consider Mr. Butler one.

Q. Do you know Rufus Belden?—A. I do.

Q. Did you say anything to him on that subject of how he should vote?—A. I have no recollection of it. I do not know that he worked there.

Q. Do you know that he worked there at that time?—A. I have no



recollection that he worked there at that time; he might have. He did work in that shop a spell, not very long. When it was I cannot say.

Q. Did you provide the workmen with tickets before they left the shop?—A. No, sir; I did not have a ticket and did not see a Republican or Democratic ticket until I got into the voting room.

Q. Did you do anything in any way to influence the workmen in the shop to vote except by fair argument?—A. No, sir; no man will say it before me, I think. The workmen in our employ always voted their own principles, so far as I know.

By the CHAIRMAN:

Q. You told the men that you thought it was to the interest of the works that they should vote for Talbot, did you?—A. No, sir; I told them I thought it was to their interest to vote for good temperance men.

Q. You prefer temperance to Republicanism?—A. I do.

Q. Then Mr. Moore, your agent, is mistaken. He stated it the other way. He said you were a Republican with prohibitory principles.—A. No, sir; he is not mistaken. I am a Republican.

Q. You think more of Prohibitionism than Republicanism?—A. When the Republicans put up men who are license men, who practically and in theory are in favor of the liquor business, I scratch their names—do not vote for them.

Q. He is mistaken then if he says that?—A. He is mistaken. I will vote the Republican ticket as a whole, but when there are names upon it that are on the rum side, I scratch them out.

Q. Have you ever scratched out any name from a Republican ticket at a general election?—A. Yes, sir.

Q. Has that been your policy all the time?—A. At the State election it has been for some years.

Q. Then Mr. Moore did not know what your preferences were?—A. Perhaps he might not have.

Q. You were at the polls at the November election?—A. Yes, sir.

Q. You did not say to anybody that it was to their interest and the interest of the company that Butler should not be elected?—A. Yes; I said that—that he should not be elected, and that temperance men should.

Q. You said that to all the employes you could talk to?—A. I said that to all who worked in the shop; that it was to the interest of the company and the interest of all concerned that temperance men should be elected to office.

Q. But you did not make any difference between Abbott and Talbot?—A. I said that if I was going to vote the Democratic ticket, I would vote for Abbott.

Q. But you were for Talbot?—A. Yes; I considered him a good temperance man.

Q. Then you were working for Abbott or Talbot, it did not make any difference which?—A. Yes; I should prefer one of them, but when I was talking with Democrats, I said I should vote for a man of character, integrity, and veracity, and free from the liquor business; that I should vote for Abbott.

Q. It was this decided sentiment in your mind that it was better to have a Democrat than Butler that prompted you to discharge Casey?—A. I didn't discharge him for voting.

Q. He was discharged, though?—A. Yes, sir.

Q. But it was purely a temperance matter ?—A. Yes, sir ; and for neglecting his work and falsifying to me.

Q. He had done that before ?—A. Yes, sir.

Q. You did not discharge him then ?—A. No, sir ; but I told him that the next time he did it, I would.

Q. The next time he did it was just when the election was coming on ?—A. Yes.

Q. The winter was coming on, he had his family dependent upon him, and he had voted for Butler ?—A. Yes ; I didn't know that he had then.

Q. But he got back ?—A. Yes.

Q. You took him back, did you not ?—A. No ; he is not working under me. He works in the lower works somewhere.

Q. Under the company ?—A. Yes, but he is not under my jurisdiction.

Q. You have not always been a challenger ?—A. Not always, but I have been several years.

Q. You could see how the men voted, where you were ?—A. I meant to.

Q. You could tell how they voted ?—A. No ; not unless some of the tickets were open.

Q. Did you not know, on that night of the election, how every man from the Douglass Axe Company had voted that day ?—A. No ; I could not, and I don't think that any man could have known that.

Q. You did not make it your business to know that ?—A. No, sir.

Q. Could any one of the selectmen tell you ?—A. I do not think the selectmen could tell, or that they could see.

Q. Did not Mr. Moore give the men an open ticket ?—A. I suppose so.

Q. Did some of the men come there with an open ticket ?—A. Some of them did. If I saw a man going up who was an illegal voter, I prevented him.

Q. You prevented some who were illegal voters ?—A. There was one by the name of Roberts, another by the name of Lemaine.

Q. You prevented them from voting ?—A. Yes, sir.

Q. Were you at the Republican caucus on the night on which it was held, before the election ?—A. I was.

Q. Who presided at that caucus ?—A. It does not strike my mind.

Q. Was it Mr. Moore or you ?—A. I do not know whether he did or not. I cannot say who did. I frequently do preside at meetings, and Mr. Moore does, and sometimes others do.

Q. How many were at that caucus ?—A. It was quite a well-attended caucus for our little place, perhaps fifty.

Q. How many of the employés of the Douglass Axe Factory were put at the polls by that caucus to distribute tickets or to challenge, do you remember ?—A. We usually selected six, seven, or eight to distribute tickets.

Q. How many of your people were put there, do you know ? Were one-half of the distributors taken from them ?—A. I say that the Republicans generally choose the distributors.

Q. But I am speaking of employés of the factory. How many of them were there to do that work ?—A. I think there was one.

Q. Mr. Moore was one, Thayer was another ?—A. Yes.

Q. And you were appointed one of the challengers, making three ?—A. Yes.

Q. Then there were four more appointed from the outside ?—A. Four more.

Q. You did your best to get the employés to vote against Butler ?—A. Yes ; what I could get them to do as honorable men. I felt it to be

my bounden duty to do all that I could to defeat such a man as Mr. Butler.

Q. You meant to have all your employés vote against him?—A. As far as I could persuade them to.

Q. You did not discharge anybody, not even Warren Casey?—A. No, sir.

Q. What these men swore to about your going around the shops and telling them it was to the interest of the company for them to vote against Butler is true?—A. I told them it was to the interest of the company that they should vote for temperance men.

Q. And against Butler?—A. Yes; that was the amount of it.

Q. You did all that you could around among the employés?—A. Yes; as far as I could.

Q. You are an emphatic man and did "your level best" to defeat Butler?—A. As far as I could talk to them what was right.

Q. Then you went to the polls on election day so that you could see how they voted?—A. I could not tell how they voted.

Q. You could tell as well as anybody?—A. There couldn't anybody tell.

Q. Mr. Moore was on the other side of the house distributing tickets?—A. Yes, I suppose he was. I did not see much of him.

Q. How many of the men of the Douglass Axe Factory who were Democrats, who owned their own property and were independent of you, did not vote for Butler?—A. I don't know; I suppose there might have been fifty; I think there were nearly fifty.

Q. How many Democrats are there in the works who, under ordinary circumstances, vote the Democratic ticket; do you know that?—A. No; but quite a number.

Q. You, the Republicans, made a gain this time, did you not?—A. Some of the more respectable Democrats voted with the Republicans.

Q. You do not now speak of Burton Goddard and those fellows who owned their own property?—A. No; they voted for Butler.

Q. Are they respectable or not respectable?—A. I didn't say.

Q. It implies that they were not?—A. I don't say but that some respectable men voted for Mr. Butler. I don't deny that.

Q. Where did the gain come from that the Talbot ticket made over the ordinary vote in that town?—A. In a great measure from the Democrats.

Q. Did it come from your works or from outside the works?—A. I couldn't tell. I know one man who was selectman of the town last year who was chosen to the Democratic convention at Worcester (his name was Nelson Emman), who went there and was so disgusted with the proceedings that he said he had seen all that he wanted to see of Butler, and, although he had been elected as a Butler man, he came home changed, and voted, as I understood afterwards, for Talbot.

Q. You thought that he saw too much whisky at the convention; is that it?—A. Yes, sir.

Q. Had you ever seen Mr. Moore at elections before, distributing tickets?—A. I had.

Q. Was he there in November, 1876 or 1877?—A. I can't say.

Q. You have been there frequently, though?—A. I have been there frequently.

Q. You are the leading Republican in the town, are you not?—A. They call me a pretty strong Temperance man, I believe.

Q. How does it happen that Mr. Moore thinks you are more of a Re-

publican than a Temperance man ?—A. I don't know ; you will have to ask him.

Q. What was the Temperance or Prohibition vote for governor in Douglass in the year before 1878 ?—A. I think that in the year before the Prohibition candidate had about one hundred.

Q. How many votes did the Prohibition candidate have in 1878 ?—A. My impression is that he had seventeen.

Q. Where did that difference between one hundred and four and seventeen go in 1878 as between Butler and Talbot ?—A. I don't know. I suppose it went to Talbot.

Q. Would not that in a large measure account for the increased Republican vote in 1878 ?—A. Yes, sir.

By Mr. McDONALD :

Q. Was there a Temperance candidate for governor last fall ?—A. There was a man run as one.

Q. Was he a candidate ?—A. I guess he was or he wouldn't have run. I was at the Prohibition convention, and he was nominated.

Q. You did not vote for him ?—A. No, sir ; I voted for Mr. Talbot.

Q. In talking with the men in the shop you told them that if they could not vote for Talbot they had better vote for Abbott ?—A. Yes, sir.

Q. Why not have told them that they had better vote for this Temperance candidate ?—A. Because I knew they would not vote for any Republican or Temperance man, probably, of that stamp.

Q. You were trying to get them to vote a Temperance vote ?—A. I was.

Q. Then would it not have been natural for you to ask them to vote for this Temperance man ?—A. I told them to vote for either ; that if I was a Democrat and intended to vote for a Democrat I should vote for Mr. Abbott.

Q. Your principal purpose was not exactly to have them vote for a temperance man, but for any one to beat Butler ?—A. Yet I would have liked to have beaten him with a Temperance man, if I could.

Q. Did you regard Talbot as a temperance man ?—A. I always have.

Q. And you regard Butler as an intemperate man ?—A. Yes, sir ; I regarded him so when he was in the condition that he was when I was in the legislature in 1860 or 1861.

Q. Has he not been many things since that ?—A. I don't know.

Q. He was a Democrat in 1860, was he not ?—A. Yes, sir.

Q. Was he an intemperate man then ?—A. He drank too much then.

Q. Do you know anything at all about Governor Talbot's habits ?—A. I know by reputation, by men with whom I am very well acquainted.

Q. Had you as good an opportunity of knowing what his temperance habits were as you had of knowing of General Butler's ?—A. Yes, sir.

Q. Did he never drink wine ?—A. I can't say that he ever did.

Q. Or liquor ?—A. I don't think he is a man who drinks liquor.

Q. Did he not, at the last session of the general assembly, let an act which was passed chartering a brewery become a law without his signature ?—A. Yes, sir.

Q. He did not veto it ?—A. No.

Q. He was falling from grace a little, was he not, on that subject ?—A. I should not have done it.

Q. You would have vetoed it ?—A. I think I should.

Q. But as governor he let that act to establish a brewery by a corporation become a law ?—A. Yes, sir.

Q. Did you ever know Butler to do anything of that kind ?—A. I never knew him to have an opportunity to.

Q. Did you ever know him to support a measure of that kind?—A. No, sir; I know he is a man who is in favor of liquor and that he uses liquor.

Q. Do you know that he is in favor of the retail of spirituous liquors?—A. I suppose he is, for he indulges in the habit of using them.

Q. Are there not many men who are in favor of the prohibitory law who use liquor themselves?—A. Yes, there are such men.

Q. Are there not men who oppose the prohibitory law who do not use liquor?—A. Yes, sir. The appetites of men are so strong that they are led away by it, though they secretly wish there was no liquor in the world.

Q. Are there not men who are thoroughly temperate, so far as their conduct is concerned, who oppose prohibitory legislation?—A. I suppose there are a few.

Q. There are others who are in favor of a law, but do not want it enforced?—A. Yes.

Q. Your political action turned altogether upon the temperance question, I understand?—A. That is first and paramount with me.

Q. But you generally favor the Republican ticket?—A. I do always when the men on it are temperance men.

Q. The year before, did you vote the temperance ticket for governor?—A. Yes; but not the general ticket. I could not vote for Mr. Rice for governor consistently, because I thought he was not quite straight on the temperance question.

Q. For whom did you vote for governor the year before?—A. I voted for Mr. Baker.

Q. Was he the temperance candidate?—A. He has been several times.

Q. But last year you regarded the temperance issue as specially involved between Talbot and Butler?—A. I had considered one as right the opposite of the other on the temperance question.

Q. And that grew out of the fact as to what you had observed in the legislature with Mr. Butler in 1860?—A. I did not say I had served in the legislature; I said I was in the legislature.

Q. And saw him there?—A. I saw him.

A. J. THAYER sworn and examined.

By Mr. PLATT:

Question. Where do you reside?—Answer. In Douglass, east village.

Q. In what business are you?—A. In the flour and grain business.

Q. How long have you been engaged in that?—A. Six or seven years.

Q. Have you had any connection with the Douglass Axe Company?—A. I never have.

Q. Have you had any connection with any manufacturing company or manufacturing business?—A. I never have.

Q. Were you at the polls at Douglass at the November election in 1878?—A. I was.

Q. In what capacity?—A. As one of the challenging committee.

Q. How many challengers were there?—A. Two; Mr. Albert Butler and myself.

Q. In that capacity what did you do?—A. I watched the voters as they passed through to the polls to ascertain if any illegal voters presented themselves.

Q. Did you watch them for the purpose of determining how they voted?

A. I did not.

Q. What did Mr. Butler do?—A. His business was the same as mine; we were together.

Q. Did he watch to determine how they voted?—A. Not to my knowledge.

Q. Was there any understanding between you and the Douglass Axe Factory or any of its officers as to the part you were to perform on that day?—A. Not at all.

Q. Did you see anything at the polls that day which looked like constraint of their employes upon the part of the Douglass Axe Factory?—A. I did not.

Q. Was it or not a free and fair election on that day in Douglass?—A. To my best knowledge and belief, it was.

Q. Did you ever know one more so?—A. I never knew a more quiet fall election than that of last fall.

Q. Or one more free and fair?—A. Or one more free and fair.

Q. How do you account for the increase of the Talbot vote in the fall of 1878?—A. In part from the Prohibitory vote of the year previous and in part from the regular Democratic vote.

By Mr. McDONALD:

Q. How did you vote at the last fall election?—A. I voted for Mr. Talbot.

WILLIAM ABBOTT sworn and examined.

By Mr. PLATT:

Question. Where do you reside?—Answer. In Douglass.

Q. Do you hold any office there?—A. I am treasurer of the town.

Q. What offices have you held there?—A. I have never held any other office in that town. I held a commission as justice of the peace and notary public.

Q. Did you formerly reside in Sutton?—A. Yes, sir.

Q. Have you been a member of the legislature?—A. I have.

Q. And a selectman in Sutton?—A. Yes, sir; for six years.

Q. Have you any connection with the Douglass Axe Factory?—A. No, sir.

Q. Or with any corporation?—A. No, sir.

Q. What is your business?—A. I am dealing in real estate, and I do some public business.

Q. Were you at the November election of 1878 in the town of Douglass?—A. I was.

Q. In what capacity?—A. I was vote distributor.

Q. Did you see Mr. Moore there?—A. I did.

Q. Did you see Mr. Butler there?—A. I did.

Q. Was any constraint exercised by either of those gentlemen that day upon the employes of the Douglass Axe Factory, or was there anything of that nature that was visible or apparent?—A. No, sir; not that I know of. I do not think that there was any.

Q. Was there anything that day that looked like intimidation on the part of anybody connected with that establishment upon the employes?—A. No, sir; I never heard of any mentioned in the count.

Q. Was any claim made that there was any intimidation there?—A. I never heard of it until within three or four days; I never heard of anything of the kind until then.

By Mr. McDONALD:

Q. You saw Mr. Moore there, you say. Was he distributing tickets?  
—A. He was, part of the day.

Q. You saw Mr. Butler there. Was he standing very near where the votes were received?—A. He was standing very near the ballot-box; I should say some six feet away.

By Mr. PLATT:

Q. Did he appear to be watching the employes of the Douglas Axe Factory particularly?—A. No, sir; he was watching any illegal voters who came up to vote. He was there for the purpose of challenging illegal voters; that was what he had been appointed for.

AARON F. JONES sworn and examined.

By Mr. PLATT:

Question. Where do you reside?—Answer. In the village of East Douglass.

Q. What is your business?—A. Dealer in coal and iron.

Q. Do you occupy any official position in the town of Douglass?—A. I do.

Q. What is it?—A. Chairman of the board of selectmen.

Q. As such, did you preside at the polls in November, 1878?—A. I did not; I was appointed in March of the present year.

Q. Were you at the polls on that day?—A. I was.

Q. Are you connected with the East Douglass Axe Factory?—A. I am not.

Q. Or with any corporation?—I am not.

Q. Was any act of intimidation at that election, on the part of the agents or officers of the East Douglas Axe Company, practiced towards their men?—A. I did not see anything of the kind, nor never have heard of anything of the kind until within four or five days.

Q. How did the election pass off in East Douglass last fall?—A. Very quietly, indeed.

Q. Did you ever have a more apparently fair and quiet election than you had that day?—A. No, sir.

Q. Did you about that time, or subsequently, hear any complaint of constraint or intimidation on the part of the East Douglass Axe Company?—A. I never have, before or since, until within the last five days.

By Mr. McDONALD:

Q. How long have you lived in East Douglass?—A. Some thirty-one years.

Q. Were you born there?—A. I was not.

Q. What were you engaged in doing on the day of the election?—A. Nothing officially.

Q. Were you engaged in anything connected with the election?—A. Not at all, officially.

Q. In any way; were you taking an active part in it?—A. So far as voting myself, I was.

Q. So far as soliciting others, were you?—A. No, sir.

Q. How much of the time were you at the polls that day?—A. I was there all day after I got there until afternoon. I went up in the forenoon, I think.

Q. Do you recollect at what time the employés of the Douglass Axe Factory voted there?—A. All through the day, but their voting is principally in the afternoon.

Q. Do you recollect at what time they came in to vote that day?—A. Not absolutely as to what part of the day they came in.

Q. Did you take any notice that day of the time at which the Douglass men came in?—A. I did not.

Q. Then you do not know what time it was?—A. They came scattered through the day the same as other voters.

Q. Did you see Mr. Moore that day?—A. I did.

Q. What was he doing?—A. He was at the door distributing votes.

Q. Did you see Mr. Butler?—A. I did.

Q. Where was he?—A. He was near the ballot-box.

Q. What was he doing?—A. Acting as one of the challenging committee.

Q. They are the two leading men in the establishment, are they not?—A. Mr. Moore is agent of the works and Mr. Butler is one of the inspectors?

Q. Is he not one of the leading men?—A. He is one of the leading men in town; considered so.

By the CHAIRMAN:

Q. You have been a Republican all your life?—A. No, sir.

Q. Since when?—A. I have been a Republican for the last three years; am a Republican in one sense to-day—a Prohibitory Republican, and have been such for the last three years.

Q. You have never been a Democrat?—A. No, sir; never.

Q. You would not be likely to be complained to by these Democrats if they had been intimidated?—A. I should think that I would have heard of it.

Q. Would you be likely to hear of it if men there of opposite politics voted under constraint?—A. I should think I would.

Q. If it had been their business to keep their mouths shut, and say nothing about it?—A. I don't know that it was their business to keep their mouths shut.

Q. But if these men were Democrats, and were actually intimidated, is it likely that they would have gone and talked about it to anybody?—A. I should think I would have heard of it.

Q. They would have come to talk to you about it?—A. No; I don't know that they should.

Q. How would you hear of it?—A. In the same way that we hear other things. I should think it would have got out.

Q. Do you think that these men, having families dependent upon them, feeling that their bread and their shelter were in jeopardy, would go to the election and tell that they were intimidated, if they had been intimidated?—A. I shouldn't think it would be a supposable case, because we had no such intimidation there.

Q. But how do you think it would have got out?—A. Any intimidation that occurred there that would have been spoken of, I think I should have heard of.

Q. That is not the question at all. I want to know whether, in your judgment, a man situated as an employé of those works was, who had been intimidated, would, after he had voted, go and tell of it?—A. I think it would depend on the extent to which he had been intimidated. If he was afraid of his life, I think he would tell of it.

Q. Do you think that if he was afraid of being turned out of employ-



ment he would still go and tell of it? Do you think that that is reasonable or natural?—A. It would depend upon how much he had recanted after voting.

By Mr. McDONALD:

Q. You do not know many of these employés, do you?—A. Certainly, I do.

Q. Do you know, personally, that there are any Democrats among them?—A. Yes, sir.

Q. Did you have any talk with them since the election?—A. Not politically.

Q. Not on political subjects?—A. No, sir.

Q. They do not make you a confidant of their political secrets?—A. I don't think they do.

Q. They would not be likely to?—A. I don't think they would.



AMOS BARTLETT sworn and examined.

By Mr. BLAIR:

Question. Where do you reside?—Answer. In Webster.

Q. What is your business?—A. I am general superintendent of the Slater Woolen Company's works.

Q. For how long have you occupied that position?—A. About five years.

Q. Have you been in the military service of the country?—A. I have.

Q. What was your rank?—A. I was a captain of the Fifteenth Massachusetts Infantry.

Q. In political sentiment, what are you?—A. A Democrat.

Q. For how long a time have you been a Democrat?—A. All my life.

Q. Were you present at the general election last autumn?—A. I was.

Q. State how much of the time you were there during the day, your opportunities for observation, and then you may state as to its being apparently a fair, free, and full election or otherwise.—A. My recollection is that I was in the polling-place about twenty minutes; that I went in, deposited my vote in order, went around to the other part of the hall, and passed out.

Q. What as to your observation as to the manner in which the election was conducted?—A. I saw nothing that differed from any ordinary election of the town.

Q. Did you see any coercion or intimidation of voters or hear of any?—A. No.

Q. You saw the agents of both parties, I suppose, in the canvass?—A. They were very active at the door distributing ballots as voters were brought in.

Q. Was there any interference with voters as they walked up to the polls and deposited their ballots?—A. Not that I saw.

Q. Did you see any of the employés of your mills there at the time?—A. I do not have any in my mind now, though I must have seen them, for there are a great many there.

Q. But you noticed nothing unusual?—A. No, sir.

Q. There are how many operatives in these works that you superintend?—About five hundred and fifty.

Q. What are their political sentiments?—A. I should say that the majority of them were Democrats.

Q. Have you ever known of any interference with them, on the part of the company or others, in the way of intimidation, to prevent a free exercise of the suffrage?—A. No, sir.

Q. How is it as to the manner in which they are got from the mills which you superintend to the voting place?—A. Our mill is about, I should say, a quarter of a mile from the polling-place, and the voters begin about nine o'clock in the morning to go out to vote and come back. Then there are teams that drive up to the office from the voting place rallying men from the different parties. I believe the practice is to hand in names of individuals that they want and we send down into the mill for them and have them come out.

Q. Irrespective of party?—A. Yes, sir.

Q. Do you know anything further to state in regard to this matter of teams and carrying voters; all parties have an equal chance and all practice it?—A. That is my impression.

Q. Did you have any conversation with Democrats on election day in regard to their votes?—A. No.

Q. Did any speak to you, ask your advice or get your opinion in regard to which way they had better vote, whether for Butler or Abbott or the Republican ticket?—A. I believe one of our overseers, a German, asked me whether he had better vote for Abbott or Butler. He had an idea that it was going to affect his deposit in the savings-bank. I told him to vote as he pleased.

Q. And he did, as far as you know?—A. As far as I know, he did.

Q. For whom did you vote?—A. I voted for Abbott.

Q. You know nothing about any sealed envelopes being distributed in your mill, or being used at the polls?—A. I never saw one.

Q. Were there any political meetings last year at your place?—A. Yes; I think there were more than the usual number.

Q. Did General Butler speak there?—A. General Butler spoke there one afternoon about ten days before the election.

Q. What as to the operatives attending?—A. Very generally they went out.

Q. Was any effort made to prevent their attending his meeting?—A. Not the slightest in my department.

Q. Or anywhere, so far as you know?—A. No.

Q. Did you ever have any reason to believe that operatives were not permitted to attend political meetings just as freely as any other class of citizens?—A. No.

Q. Had you ever any reason to think there was any intimidation of the votes of working men in Massachusetts? I mean outside of your own, anywhere.—A. No, sir.

Q. There has been some testimony about Mr. Slater, an owner of the mills. He is in Europe now, is he?—A. He is.

Q. What are the political sentiments of the elderly Mr. Slater?—A. I should say he would style himself a conservative Republican. He told me it was his intention to vote for Tilden, however; but he did not get to the polls in season; they closed some ten or fifteen minutes before he reached there.

Q. He is one of those conservative Republicans who try to vote the Democratic ticket?—A. Yes, sir.

Q. Do you know anything in regard to the case of one Thomas Sherlock as to whom it was testified here that the overseer of the cotton-mill took his vote away from him?—A. We have a man on our roll named Thomas Sherlock. I don't know whether he is the one referred to or not.

Q. Do you know anything about any one interfering with his ballot?  
—A. No.

Q. Does he work for you in your mill?—A. There is a Thomas Sherlock in our employ. I don't know whether he is the one referred to in the morning paper.

Q. Did you ever hear complaint of any interference with his vote by anybody?—A. No.

Q. You know nothing about it?—A. No.

Q. Is there a Hugh Duffy who works under you?—A. No, sir.

Q. You know nothing about the case of a Hugh Duffy who complains that he could not work there?—A. No, sir.

Q. Do you know a man named Edward Farrell?—A. I know Farrell. I do not know how he voted or proposed to vote, or what his politics were.

Q. Where is he?—A. He is in the cambric works, as we call them.

Q. In the employ of the same company?—A. The company is substantially the same, though not the same corporation.

Q. Is this Sherlock still at work for you?—A. I saw him at his loom last Saturday.

By the CHAIRMAN:

Q. At what time of the day did you vote?—A. I should say it was between two and four o'clock in the afternoon.

Q. Who was in charge of the ballot-box when you voted?—A. Shumway, I believe.

Q. You did not vote, then, when Mr. Moore had charge of the ballot-box?—A. Moore may have been sitting on the platform at the time.

Q. The testimony is that from twelve to two Mr. Moore had charge of the ballot-box.—A. I don't know whether he was there or not. My impression is that Shumway was there.

Q. Did you see any of the teams come up from the works, when you were there?—A. No, sir.

Q. Do you know whether they had not all voted before you got there?—A. No.

Q. What were the politics of Moore?—A. Republican.

Q. Do you know Mr. Lavaree?—A. Yes, sir.

Q. Give his politics.—A. He is a Republican.

Q. What does he do?—A. He is superintendent of the store.

Q. Do you know Mr. Fletcher?—A. Yes, sir.

Q. What is his business?—A. He is accountant at the cotton weaving mill.

Q. Do you know his politics?—A. He is a Republican, I believe.

Q. Do you know Mr. Hilton?—A. He is superintendent of the bleaching and dyeing establishment.

Q. State his politics.—A. He is a Republican, I believe.

Q. How many of those gentlemen were at the polls when you voted, that you saw?—A. I couldn't swear that one of them was there; still there may have been.

Q. Do you know, of your own knowledge, of a single one of your employes being there to vote when you were there?—A. No; I cannot recall a single face.

Q. You do not recollect a single man?—A. No.

Q. If that is the case, then it is quite probable that your employes were voted between twelve and two, as was testified here by the witnesses?—A. Very likely.

Q. They bring the voters from the works in wagons, and take them back again?—A. Yes.

Q. The company's own wagons?—A. No; some of the teams may have been theirs, but generally, I think, they were hacks and 'buses from the livery stables.

Q. Did you see your own voters go there that day in your own teams?—A. I saw hacks and teams come to the works for voters. I won't say that I saw any landed at the polling place in those teams. My recollection is that I drove down with Mr. Slater in his carriage; that we went in and voted and went quickly out.

Q. The testimony is that the men were taken there in those teams, between twelve and two. Did you see that?—A. No.

Q. Do you know that Mr. Lavaree distributed any tickets?—A. I do not.

Q. Do you know whether any tickets were distributed before the election?—A. I do not.

Q. Do you know whether ballots were given to any of your men as they came there?—A. My recollection is that men who went down early in the morning to vote brought back ballots of the different kinds when they came back.

Q. Have you charge of the three mills?—A. No, sir; I am limited to the woolen-mill unless on some special duty.

Q. You do not know whether those gentlemen were very actively in charge of the election?—A. No.

Q. You were not?—A. I was not.

Q. And you were the only Democrat among them?—A. So it appears.

By Mr. McDONALD:

Q. There are how many salaried officers connected with the establishments, known as the Slater establishments, including the store-keeper?—A. By salaried officers you mean where a stipulated amount is paid annually, not wages? I should say there were six or eight.

Q. You were superintendent of the woolen department? About how many of those who were employed in that department were voters at the last fall election?—A. I really cannot tell you how many voters there are. The males and females must be, I think, about of equal number, but we employ all classes, from the oldest inhabitant down to the youngest, men, women, and children.

Q. In the woolen factory alone, how many persons of all classes were employed last fall?—A. About five hundred and fifty.

Q. How many in all the other factories?—A. In the cotton and cambric works, I think, between seven and eight hundred.

Q. Do any of these salaried officers have any charge of the woolen factory along with you, or under you, or any connection with it?—A. Mr. Moore, who was an assistant to me, was at that time on the board of selectmen.

Q. He was connected with the woolen factory also as an assistant to you, and was one of the selectmen of the town?—A. Yes, sir.

Q. And acted at the polls that day, or a part of the day?—A. Yes, sir; he was down there somewhere all day; he was not at the mills at all.

Q. You were at the polls twenty minutes, and he was there all day?—A. I don't think I was there longer than that.

WILLIAM W. FLETCHER sworn and examined.

By Mr. BLAIR :

Question. Where do you reside ?—Answer. In North Webster.

Q. How long have you lived there ?—A. From five to six years.

Q. What is your business ?—A. I am the bookkeeper of the establishment, and for the past three years have been the acting superintendent of the works of the H. M. Slater Manufacturing Corporation.

Q. Where is that corporation located ?—A. In the north village where they manufacture, and in the east village where they finish their goods as they are brought in.

Q. Do you know what is the total number of employés in all of those mills ?—A. Yes, sir ; I noticed as to that in the month of January. I then counted the pay-rolls in use. I am the bookkeeper and paymaster there. The totals were: In the north and east villages, 692 ; in the south village, 660 and something—some 1,300 all around.

Q. How are those divided between the sexes ; about equally ?—A. About equally. We have children from about fourteen years and all ages from that up.

Q. About how many legal voters are there, in your judgment, employed in all those various departments of the business of that company ?—A. Perhaps between one and two hundred ; nearer one hundred.

Q. All legal voters ?—A. Yes, sir ; the most of our population are Canadians, very few of whom are voters.

Q. What would you give as a general statement of the political sentiments of the men in the employ of the company who voted ?—A. All the Americans or most of them are Republicans, there being some few Democrats and Butler men. Of the Irish, the majority are Democrats.

Q. Which nationality has the larger number of voting operatives, the American or the Irish ?—A. The American.

Q. About how many Irish voters are there now ?—A. I should think twenty or thirty.

Q. The remainder of the voters would be Americans then ?—A. Americans, French, and Germans.

Q. In regard to the French, the few that there are, what are they generally ?—A. Some voted for the Republican party and some for the Democratic.

Q. You are the agent for the cotton company, I understand you ?—A. Not strictly. We had no agent or superintendent ; I was the acting man on the grounds, and as such had to act as superintendent.

Q. Did you attend the election last fall ?—A. A short time ; I was there perhaps after three o'clock an hour or more.

Q. Do you know about what time the election opened ?—A. I think at half past ten or somewhere near that.

Q. Did the voters at your mill generally go to the polls on that day ?—A. I think they did.

Q. How was it as to any effort being made by you or any other person to influence their votes ?—A. There was not the slightest effort that I know of. The owners did not say a word or ask the question how an overseer or one of the employés was going to vote, so far as I know. No instructions were given to me, and I do not know how many of the men voted. I do know how some voted because many of the men had made up their minds before going to the polls how to vote. I do not think one man changed his mind on election day.

Q. What do you say as to freedom about the mills ? Was any hesita-

tion or concern apparent among the operatives in watching to see whether their superintendent or others were near at hand to listen or overhear them in conversing ?—A. Not the slightest.

Q. Did they talk as freely on politics as on any other subject ?—A. Yes, sir.

Q. How was it as to the election being free ? Was it commonly talked of among the operatives in the mill before the election ?—A. They would talk on that as freely as upon any subject. There was no objection to their talking while at work.

Q. How far are these mills of which you were acting as superintendent from the voting place ?—A. Between one and two miles.

Q. In what way did the operatives get from the mills to the voting place ?—A. From the east village these rallying teams were sent over to bring them, and also from the north village. The company had one team that was carrying down anybody who wanted to go, Democrats or Republicans, and it also brought them back. I drove several such loads down.

Q. Did you carry men of both parties ?—A. I did.

Q. And brought them back, men of both parties ?—A. Yes, sir.

Q. You made no distinction ?—A. I chose to take up Republicans if I found them, but if those who said they wanted to go to the polls were Democrats, they were free to ride.

Q. And their own party looked carefully after them, did they ?—A. Yes, sir.

Q. Did you ever know of any threat being uttered to a voter in consequence of his vote ?—A. Not the slightest.

Q. Did you know of a man being discharged in consequence of his vote within the last three years ?—A. No, sir ; not one so far as I know of. Being the bookkeeper, I would have known of it if it had happened.

Q. As bookkeeper, do you attend to the business of the mills ?—A. No, sir ; only of that of the H. M. Slater Manufacturing Company.

Q. That is, the cotton company ?—A. Yes, sir.

Q. Do you recollect a man named J. F. Bonner being discharged ?—A. I remember there was such a man.

Q. What was he discharged for ?—A. For general worthlessness. He was a man who was not reliable, and his foreman had a good deal to say about him.

Q. Did he make much complaint as to the manner in which Bonner did his work ?—A. Yes, sir ; he could not rely upon him.

Q. Was he discharged for any particular cause whatever ?—A. I cannot say. Not to my knowledge. He was not on my pay-roll.

Q. You never heard of politics being mixed up with his discharge at all ?—A. That was thrown out. Yes, sir ; I heard it so stated by some of the men, but I never took occasion to investigate it.

Q. That was after his discharge, and it related to that ?—A. It was at the time that Bonner got through work after the town election, a year ago last spring.

Q. If it had relation to the town election you need not say any more about it. What are the particular sentiments of Mr. Slater, the principal owner, who is now in Europe ?—A. I think that in the days of Daniel Webster he was an Old Line Whig, and that when the Republican party came up he had not much sympathy with the radical wing of it, and sometimes, rather than vote the regular Republican ticket, voted the Democratic ticket.

Q. Do you know how he felt in regard to voting for Mr. Tilden?—A. I was told that he intended to vote for him.

Q. But for some reason he did not vote?—A. Yes; he got down there a little late.

Q. Do you know, as a matter of fact, or do you understand that more or less of your operatives voted for General Butler last autumn?—A. Yes, sir.

Q. Did you hear any of them express their intention in that respect?—A. Yes, sir.

Q. What did they say?—A. They said they intended to vote for him, and no objection was made, so far as I know, to their voting for him.

Q. Did you ever hear any of them complain that they had been interfered with?—A. No, sir.

By the CHAIRMAN:

Q. You were at the election as a distributor of tickets, were you?—A. No, sir; I don't think I distributed any tickets. I drove the team down several times.

Q. You are a Republican?—A. Yes, sir.

Q. Did you drive the team to the mill, get the men from the mill and take them up?—A. Yes, sir; and some of the old people in the neighborhood not working in the mill.

Q. Had the men tickets in their possession when they left the mill?—A. No, sir.

Q. Where did they get their tickets?—A. At the polls.

Q. Who had charge of the ballot-box when you brought these loads up?—A. I think Mr. Shumway. I staid outside; I didn't go in the hall.

Q. You did not give out any tickets that day?—A. I might have done so; I think not; it was only for a few moments if I did.

Q. This man Bunner was discharged?—A. Not at this election. He was discharged in the spring, I think, when he got through work.

Q. Were you at the polls between twelve and two?—A. From twelve to one o'clock I was eating my dinner and the horse was in the barn. The horse was harnessed up at about one o'clock and I took a load down, four or five men.

Q. Was Mr. Lavaree at the polls?—A. Portions of the day.

Q. Was Mr. Hilton there?—A. I think I saw him in the afternoon, not in the forenoon.

Q. Those gentlemen are Republicans like yourself?—A. Yes, sir.

Adjourned.

BOSTON, August 19, 1879.

WILLIAM W. FLETCHER recalled.

By Mr. BLAIR:

Question. State whether or not there were two men named Duffy and Farrell in your employ.—Answer. There were; they worked at the East Village Cambric Works.

Q. State anything that you know of their voting at the election of November, 1878.—A. As to Mr. Duffy, I will not say that I know anything definitely. Farrell was at the north village office to pay his poll-tax, and when he was paying I asked him about how he was going to vote. I stated that I should vote for Mr. Talbot and he said that he should vote for Mr. Butler. I told him that he had the full privilege to vote as he saw fit, but I hoped he would vote for Mr. Talbot. He answered that his mind was made up, that he should vote for Mr. Butler.

Q. Did he ever tell you afterwards how he did vote?—A. I learned afterwards that he did vote for Mr. Butler. I won't say that he did. He was not discharged nor was there any intimidation as to him, nor was there any toward any one employed on the works or on the premises.

Q. How about Mr. Duffy; had you any conversation with him at all?—A. I won't say that I had.

Q. Did he tell you afterwards that he voted?—A. He told me afterwards that he voted for Mr. Butler.

Q. And you learned that Farrell did also?—A. Yes, sir.

By the CHAIRMAN:

Q. Do you collect the taxes?—A. I did.

Q. Are you the tax-collector of the town?—A. A deputy. The tax-collector puts tax bills in the various manufacturing offices and authorizes them to collect the tax; he hands in the receipts for the men. It is the custom for the various corporations, if there is money coming to the men, to take out of their pay for the taxes.

Q. This was how long before the election, that Farrell and Duffy came to you?—A. This was perhaps two or three weeks. Farrell wished to pay his tax, knowing that he could pay it at the north village office cheaper than he could at the assessor's. According to our rules, when paid on or about the 25th of July ten per cent. is abated, after that they pay the full tax.

Q. That is, when they came to you and paid the tax through you, it was less?—A. It was one dollar and eighty cents.

Q. It was charged to him through his wages?—A. No; he brought the money because he could get it cheaper there, and he came on purpose.

Q. You were the acting superintendent at that time?—A. Yes, sir.

Q. And the collector of the taxes?—A. Yes, sir.

Q. Men who were employed by the company, who had not paid their taxes, had to come and pay them through you?—A. No, sir; they had the privilege of paying them to the collector. That was the proper place.

Q. How was it with Farrell; did he pay them through his wages?—A. No; he paid the cash. Duffy went and paid them to the collector himself.

Q. Then when the men came to pay their taxes you talked to them about politics?—A. I did.

Q. You advised them to vote for Talbot or not to vote?—A. I said that I should vote for Talbot, and hoped that they would. They had the privilege of doing so.

Q. You were especially careful to tell them that they had the privilege of doing so?—A. Yes, sir; there was no compulsion upon a man on the premises; not a word.

By Mr. McDONALD:

Q. You said you would vote for Talbot. Did you also say that that was the interest of the company, and that it was the interest of the company to defeat Butler?—A. No, sir.

Q. Did you say it would be to the interest of the company that Butler should be defeated?—A. No, sir.

Q. Did you use any argument to persuade them to vote for Talbot?—A. Only that I thought he was the better man.



Q. Did you say nothing about the political opinions of the two candidates ?—A. I think not.

Q. Did you say nothing about General Butler's financial opinion ?—A. I think I did.

Q. What did you say about that ?—A. That the greenback dollar that we had was not good money ; that we had got down now to about hardpan where you could receive an equivalent for a dollar's worth of goods ; that calico was down to six cents per yard instead of being twenty, and everything was in proportion.

Q. What did Butler, as governor of Massachusetts, have to do with the greenback matter ?—A. As he was advocating the greenback heresy we got the impression that he was a sustainer of Greenbackism.

Q. As governor of Massachusetts, would he have anything to do with that ?—A. Not at all, but we thought that that would be very injurious to the trade and business of the country.

Q. Starting on that point, did you not tell the men that you thought that would be very injurious to the trade and business of the country ?—A. I think so.

Q. Did you tell them so ?—A. I don't know that I did. I don't know that the owners have said that to the men.

Q. I am not talking about what the owners said, but about what you said when these men came to pay their taxes to qualify themselves to vote. Did you not go on and say that that would be very injurious to the manufacturing interest, and that perhaps the mill would have to stop ?—A. I don't know ; perhaps I did.

Q. You think not ?—A. I think not. We talked for about five or ten minutes.

Q. That was your belief on the subject ?—A. I certainly believed so.

Q. Would you not be very apt to express your belief on the subject ?—A. I don't know but that I might have done it.

Q. You believed, then, that the success of the greenback theory, or Butler's election as tending to make it successful, would be very disastrous to the business of the country, and probably compel many of the mills to stop and discharge many of the hands. Did you not believe that ?—A. No, I didn't think they would be compelled to stop, for the reason that this concern has always run through thick and thin.

Q. What concern ? But I am speaking of the effect upon that interest generally. Did you not think that it was going to depress that interest very much ?—A. Yes ; that was my belief.

Q. Did you not impress that belief upon these men when you took the pains to talk to them when they came there to pay their taxes ?—A. Probably I did say so ; I could not say that I did not.

Q. The probabilities are that you did, because the subject of politics was sufficiently in your mind at the time to cause you to stop there in the receipt of those taxes, and talk to these men on politics. Would you not, having engaged in that kind of a discussion with them, be apt to use all the arguments that were in your own mind ?—A. I dare say I did.

Q. Still you told them that they had liberty to vote as they pleased ?—A. Yes, sir.

Q. That they might go on, if they had a mind to, and vote to bring themselves and everybody else into this common ruin ?—A. Probably I did.

Q. And you thought they were very foolish, stubborn, and self-willed fellows for doing it ?—A. Yes, sir.

By the CHAIRMAN:

Q. How many employes had to come to you to pay their taxes in October?—A. With the exception of these gentlemen, no one came to me with money to pay their taxes. As I said, it was the custom to take out taxes from the pay of the men. If there is money coming to the men, we take out the taxes and turn the money over to the collector, or the men can work it out; but it is a State's prison offence if they vote and the money has not been paid either there or to the collector's office.

Q. The men usually came and paid their taxes to you, or had them taken out of their pay?—A. Yes, sir.

Q. And in that way you got an opportunity to talk politics with them, and you did it. You talked to the rest of the men as you talked to Farrell and Duffy?—A. Yes, sir; but there was no intimidation in any way.

Q. The argument which you made use of was about the same as that which Judge McDonald has stated?—A. Yes, sir.

CHARLES K. LAVAREE sworn and examined.

By Mr. BLAIR:

Question. Do you reside in Webster?—Answer. Yes, sir.

Q. Are you in the employ of the Slater Woolen Company?—A. I have charge of the store called the Slater Woolen Company's store.

Q. What are your political sentiments?—A. I have always voted the Republican ticket.

Q. Were you at the election last fall?—A. Yes, sir.

Q. For whom did you vote?—A. I voted for Mr. Talbot.

Q. State what, if anything, you have to do with the help or the operatives employed in this mill or by this corporation.—A. The store is a company's store which would employ 31 clerks. I do the buying of the goods and the selling, and have nothing to do with the mills. At that election each party had a rallying committee. I was put on as one of the rallying committee for that section of the town, to see that the voters there got down to vote at that election.

Q. State all that you did with reference to the election so far as the operatives of the mill were concerned, or as to their voting on election day.—A. I had nothing to do with the operatives of the mill in voting, but the store clerks in my charge—the Butler men, Abbott men, and Republicans. I saw that they all went to vote. There were twenty-two or twenty-three voters. There were two Butler men, and two Abbott men. The rest, I suppose, voted Republican, although I never saw how any of them voted, and only know of it as they told me. There was one Abbott man, a Yankee (or, rather, he was a Democrat, as many of the Butler men had formerly been), and he said that when Butler spoke at the meeting there that had settled him, that he should not vote for Butler. I afterwards learned that he voted for Talbot. I said nothing to him about it.

Q. You may state what, if anything, you did on election day.—A. I did nothing more than to see that all these men went. We couldn't all leave the store at once, and from each department I let down one or two at a time. About the last man who voted was a Butler man, a Frenchman, who said he guessed he did not care to vote. I told him he had better go and vote; I did not want any of them to stay back. He went and voted. I saw no intimidation at the polls anywhere.

Q. Did you yourself undertake to exert any influence to get a voter to cast his ballot against his own choice?—A. No, sir.

Q. Did you see any other Republican or any one else do that, that day, or during the canvass?—A. No, sir; I did not, no more than politics would be talked. The most was that a Butler man would get in there and pass the circulars around and button-hole men, to meet him during the canvass.

Q. In the mills?—A. No.

Q. What do you mean by that, "button-hole men"?—A. I mean on the street or in the store, to persuade men. Mr. Waters was, I suppose, the man to do it. He used to come and peddle his pamphlets at noon time, as the men would come out. I have seen him do that.

Q. Did the men who were for General Butler have the same chance to reach the polls that other men had?—A. Yes, sir; they had a wagon with a large black canvass, a covered carriage, and drove up past the store to the villages, got their men and took them down. I suppose they had a rallying committee as the other parties had. The team came up past there. I saw them come up and they wanted to get some men there.

Q. It was really a freer election than ever before?—A. We called it a quiet election. I never heard any complaint until this came up. We were really chagrined that Butler did not come any more. They said that if he had come there and spoken again they could have cast more votes the other way. I heard some of them say that.

Q. How much time did you spend at the polls yourself?—A. Not more than five minutes.

Q. A statement was made here by one of the witnesses, Mr. Waters, to this effect [reading]: "Last fall, mill operatives were brought to the polls in teams; they were met there by Mr. Fletcher, superintendent of the North Mill, and Mr. Lavaree, superintendent of one of the mills, who provided them with Republican tickets and told them to cast them; mill-owners and overseers are Republicans, but a large part of the operatives are Democrats; many of them said that they should vote for Butler, but when the the time came they voted against him."—A. That was because he came there and spoke.

Q. Is that which I have read a correct statement with regard to your standing there to receive the operatives as they came?—A. No, sir; there is not a word of truth in it.

Q. Did you tell them to cast Republican tickets?—A. No, sir; I have a team to drive myself and have my own horse to do business with. There were men who came down to the store, and when they wanted men who were in the far part of the villages, where they hadn't come in from until late in the day. I went, after one o'clock, to see why they would not come down or where they were. That was all. I didn't peddle a vote that day.

Q. He has also stated here that several of the operatives were discharged from the mill in consequence of independent voting?—A. We have not had one discharge from the mill at all that I have known of, nor from either mill. I should be likely to know if it had been so.

By the CHAIRMAN:

Q. Have you charge of the rolls?—A. No, sir; I have only charge of the store.

Q. Then it would have been simply hearsay, if you had heard of the discharge of any one?—A. It would have been reported to the store if he had got through and been settled with.

Q. Nobody was reported to the store toward the election ?—A. No, sir.

Q. You are certain of that ?—[The answer, if given, was inaudible at the reporter's seat.]

Q. Your business was to be there at the election as one of the rallying committee ?—A. To take the men down. I wasn't to stop trade and shut up the store.

Q. When did you go down to the voting place ?—A. Between 12 and 2 we went down there; I guess it was about 2 o'clock. A list was handed to me of names of men who had not come in, and I went to see where they were.

Q. Did you look particularly after the men of the company ?—A. No.

Q. Did you look particularly after the men of the store ?—A. It was those men who lived on the street, in that section of the town. Our rallying committee was to look after those.

Q. Were the men who lived on that street mainly the men of the corporation ?—A. Probably there were more of them who were than who were not.

Q. How many of the men who were employed in the store were of foreign birth ?—A. We have French, Irish, and German.

Q. Before Mr. Butler came there to speak, how many Democrats were there in the store ?—A. I should say there were four Frenchmen who were voters and who probably were all Democrats. As to the German, I could not say whether he was a Democrat or not.

Q. Is there an Irishman in the store ?—A. There is an Irishman in the store; he is a Democrat, of course.

Q. Irishmen are always Democrats—is that what you mean by that ?—A. I think they are as a general rule. I don't think you will find an exception. They are very strong Democrats, and there was one a Yankee, who was a Democrat; the one who, I said, after he had heard Butler speak said he would vote the other way.

Q. After Butler spoke there, you were more active ?—A. No; because we thought he had killed himself.

Q. You had been talking about the business of the country and how Butler's doctrines would affect it ?—A. I don't know that that was talked of there in the store.

Q. What was the talk in the store ?—A. The great talk was about his coming around with a great big bag of money and handing it out free to everybody. I told this man not to mind any such talk as that.

Q. Was there any talk between you and the Irishman as to the effect of Butler's doctrine on your business ?—A. No; I did not talk that way. I never have time to talk politics only in joking.

Q. Were you at the polls all day ?—A. No, sir; I was only there long enough to cast my vote, which would take about five minutes.

Q. You were at the election. Where was it held ?—A. The election was held up there in a four-story building. It was hard to get up. My business was principally as rallying committee. I had nothing to do but to see to the outside. There has been testimony here that I peddled votes, I understand, but I peddled no votes. I was merely engaged in getting the voters there.

Q. How long were you in business there ?—A. Six years last July.

Q. Was this the first year in which you were so engaged ?—A. No; I don't know but that I have been upon the rallying committee two or three times. They put me on.

Q. Because you were an active man?—A. I don't know. I do what is right.

By Mr. McDONALD :

Q. I understand you to say that this Irish Democrat said that if Butler was elected somebody would come around with a bag of money, of greenbacks?—A. That was the talk. Some of the Irishmen said that if Butler was elected there would be plenty of money around and they would pass it out to all of them.

Q. Did you not tell him that that kind of money wouldn't be worth anything?—A. I don't know that I did.

Q. He was trying to show that money would be very plenty if Butler was elected, and you were trying to show that it would not be worth anything, were you not?—A. I don't know that I did have any such talk as that, that I thought money would be very plenty.

Q. Was the subject of politics discussed in the store often?—A. Probably it was and probably it was not in the store.

Q. Did you give them the benefit of your views on the subject of politics?—A. Probably I did, sometimes. I might have had occasion to speak, I don't know how many times. Probably I did.

Q. When the subject would come up, did you not take occasion to give them the benefit of your opinion?—A. I don't know.

Q. You wanted Butler beaten, did you not?—A. I always said he would be beaten.

Q. Didn't you want him beaten?—A. O, yes; I naturally did, if I worked against him. I never paid out any money for him.

Q. There are other ways of doing besides paying out money?—A. I only worked in that way to get the voters out at town meeting.

THOMAS SHERLOCK sworn and examined.

By Mr. BLAIR :

Question. Where do you live?—Answer. In Webster.

Q. For whom do you work?—A. For Mr. Slater.

Q. How long have you worked for Mr. Slater?—A. About four years.

Q. Do you mean that you have worked for the Slater Manufacturing Company for four years?—A. Yes, sir.

Q. Did you go to the polls last fall to vote?—A. Yes, sir.

Q. For whom did you vote?—A. For General Butler.

Q. Did anybody try to prevent your voting for General Butler?—A. No, sir.

Q. You voted just as you wanted to?—A. Yes, sir.

Q. Did anybody threaten you that if you voted for General Butler you might lose your place, or it would not be so well for you in the place in which you had been?—A. No, sir.

Q. Was nothing said, before or after the election, to intimidate you?—A. No, sir.

Q. Did Mr. Slater or Mr. Lavaree, or any of these men, the owners or managers of the mills, undertake to scare the employés, to keep them from voting for Butler?—A. Not that I heard of.

Q. Did you hear any complaint among the men that their employers interfered with them about voting?—A. No, sir.

Q. Did you know of any of the workmen who worked for this com-

pany, or for anybody else, being discharged by reason of their voting?—  
A. No, sir.

Q. Mr. Waters, I believe it was, testified that you came to him with a ballot in a sealed envelope which had been given to you by a mill-overseer, and that you had been told to cast it. Was that so?—A. No, sir.

Q. Do you know Mr. Love?—A. Yes, sir.

Q. Did you get a ballot from him, that you remember?—A. No, sir.

Q. You had nothing to do with him about the balloting, had you?—  
A. No, sir.

By the CHAIRMAN:

Q. How long, do you say, have you been there working?—A. Four years.

Q. Have you a family?—A. No, sir; I am a single man.

Q. Do you live with your parents?—A. Yes, sir.

Q. Does your father work in the mills, too?—A. Yes, sir.

Q. Have you sisters working there?—A. Yes, sir.

Q. How many of the family are working in the mills?—A. There are four of us altogether.

Q. Where were you born?—A. In Connecticut.

Q. Where was your father born?—A. In Ireland.

Q. To what church do you go?—A. The Catholic.

Q. Did you ever vote the Republican ticket before?—A. No, sir.

Q. What did you vote last year?—A. The Butler ticket.

Q. You voted it this year, too?—A. Yes, sir.

Q. From whom did you get the ticket?—A. I couldn't tell. I got a good many tickets; I couldn't tell whom they were from.

Q. Did you get any ticket that was sealed before you came down to vote?—A. No, sir.

Q. Did you get a ticket when you came to vote?—A. Yes, sir.

Q. From whom did you get it?—A. I couldn't tell; there were so many there.

Q. Did you go down in a wagon?—A. I walked down.

Q. Who went with you?—A. Nobody.

Q. When did you go down?—A. I went down about a quarter of an hour before the polls opened.

Q. Early in the morning?—A. Yes, sir.

Q. You didn't talk with anybody that day about how you were going to vote?—A. No, sir.

Q. Did you belong to the Butler club?—A. Yes, sir.

Q. How long before the election did you join the club?—A. I didn't join it. I went there and out the same as any common man.

Q. Was your name on the rolls as that of a Butler man?—A. No, sir.

Q. Did you talk publicly about going to vote for Butler?—A. No, sir; I did not.

Q. Who was your overseer?—A. Captain Bates.

Q. Did he know you were a Butler man?—A. No; he didn't know what I was.

Q. You didn't talk much about what your politics were?—A. No, sir; I didn't.

Q. Did your father?—A. I haven't heard him.

Q. Why didn't you tell what you were? Why did you not speak out and say you were a Butler man, and were going to vote for him?—A. Because I thought it was just as good to vote my principles without talking.

Q. You were for Butler, though, all the time?—A. Yes, sir.

Q. Nobody gave you a sealed envelope ?—A. No, sir.

Q. You did not see John J. Love that day at all, did you ?—A. Yes, sir; I saw him.

Q. Had you any talk with him ?—A. No, sir.

Q. Do you know whether your father had ?—A. No, sir.

Q. What is your father's name ?—A. James Sherlock.

Q. Was he at the polls that day ?—A. I couldn't say whether he was or not.

Q. You do not know whether he voted ?—A. No, sir.

Q. Was he in the same mill with you ?—A. I worked around in the three villages.

Q. Where does he work ?—A. In the South Village. He is a dyer.

Q. Is he here to-day ?—A. No, sir.

Q. Do you know who was on the ticket that you voted beside Butler ? Who was on it for member of Congress ?—A. I don't recollect now.

Q. Can you not tell me for whom you voted for member of Congress ?—A. No, sir.

Q. Can you tell me for whom you voted for lieutenant-governor ?—A. No, sir.

Q. Do you know for whom you voted for member of the legislature from that district ?—A. No, sir.

Q. You voted for Rice for Congress, didn't you ?—A. No, sir.

Q. For whom did you vote, then ?—A. I voted a straight Democratic ticket.

Q. Where did you get it ?—A. I got it in the hall.

Q. You did not have it before you started up-stairs ?—A. No, sir.

Q. But you cannot tell me for whom you voted for Congress ?—A. No, sir.

Q. Did you have any talk about whom you were going to vote for with your overseer ?—A. No, sir.

Q. Did you have any talk about it up in the mills ?—A. No, sir.

Q. None whatever ?—A. No, sir.

Q. Did any of them talk in the mills about how they were going to vote ?—A. No, sir.

Q. Nobody ?—A. No, sir.

Q. You heard nobody say that Talbot was the best man ?—A. No, sir.

Q. You heard nobody say in the mills they were going to vote for Butler ?—A. No, sir.

Q. Was Mr. Lavaree about the election ?—A. No, sir; not at the time I voted.

Q. Was Mr. Moore ?—A. Yes, sir.

Q. Where was he ?—A. At the ballot-box.

Q. Was your ticket open or sealed when you voted ?—A. Open.

Q. He could see how you voted ?—A. Yes, sir.

Q. Who went up with you when you went to vote ?—A. There was a whole row of us.

Q. Had you all come from the mill together ?—A. No, sir; they were all from around town.

Q. Did any beside you vote the straight Butler ticket ?—A. No, sir; they did not.

Q. Who voted ahead of you ?—A. I don't know.

Q. Who behind you ?—A. I don't know.

Q. They were strangers to you, all of them ?—A. Yes, sir.

Q. How did it happen that you got into that crowd of fellows of whom you did not know a single one ?—A. I don't know.

Q. You had no talk that day with Mr. Fletcher?—A. No, sir.

Q. Nor Mr. Lavaree?—A. No, sir.

Q. Nor Mr. Moore?—A. No, sir.

Q. Nor on the day before about politics?—A. No, sir.

Q. You are under oath. Tell me who talked to you last about this before you came to town?—A. Before I came here? Mr. Moore.

Q. Who is Mr. Moore?—A. He is the superintendent of the woolen mill.

Q. What did he say to you? Give me all of the conversation—A. He told me that they wanted to see me down here; he told me that he would like to see me down here.

Q. What else; what did he talk about?—A. About this election.

Q. What else? I only want to know what he said.—A. He wanted to see if I was intimidated by any one to vote.

Q. What did you tell him?—A. I told him I was not.

Q. What else did he say?—A. He told me that he wanted me to come down and see that it was wrong.

Q. To see what?—A. To see if I was right.

Q. Did he ask you how you voted?—A. No, sir. And I told him I voted my principle.

Q. Did he ask you anything about whether you had talked with Love?—A. No, sir.

Q. Did he ask you whether you had talked with Waters on election day?—A. No, sir.

Q. Did he ask you whether you voted a sealed envelope?—A. Yes, sir.

Q. Tell me what he said about that and what you said.—A. He wanted to know if it was a sealed envelope, and I told him it was not.

Q. What further conversation was there on the subject? Give me what happened. You can speak it out. You have never been intimidated; surely you are not intimidated now.—A. No, sir; I was not then, either.

Q. You voted for Butler, and voted your principles?—A. Yes, sir.

Q. Just tell me all that happened. Was there any further conversation?—A. No, sir.

Q. Did you see anybody else after you saw Mr. Moore about coming down here?—A. No, sir.

Q. You didn't talk to anybody else after it?—A. No, sir.

Q. Did you talk to anybody on the way down here about it?—A. Not a bit.

Q. Is your father living up there now?—A. Yes, sir.

Q. You cannot tell me whether he voted or not?—A. No, sir.

By Mr. McDONALD:

Q. What other candidates for governor were there besides Butler, last year?—A. I couldn't tell you.

Q. Was there any other Democratic candidate beside him?—A. I didn't look very close at the tickets.

Q. You say that you voted the straight Democratic ticket, and voted for Butler. Was there any other Democratic candidate for governor? [A pause.] Can you not remember?—A. No, sir.

Q. Who was the Republican candidate? Do you not know that?—A. No, sir.

Q. Wasn't Butler elected?—A. No, sir.

Q. Who was elected?—A. Rice.

Q. All this testimony of yours is about the time when Rice was a candidate and was elected governor. Was that the time?



(After an interval of waiting for a response the question was repeated.)

A. No, sir.

Q. It was at the time that Rice was elected. Is that the time you have reference to?—A. Yes, sir.

By Mr. BLAIR :

Q. You vote for principles, not men ? When was it that this occurred when you went and voted for Butler ; was it last year or some other year ?—A. Last year.

Q. You voted for Butler and also for your principles ?—A. Yes, sir.

Q. You were not intimidated ?—A. No, sir.

EDWARD FARRELL, sworn and examined.

By Mr. BLAIR :

Question. Where were you born ?—Answer. In Ireland.

Q. How long have you been in this country ?—A. I came here in 1869.

Q. How long have you been a citizen ?—A. About four or five years.

Q. Do you live in the town of Webster ?—A. Yes, sir.

Q. How long have you lived there ?—A. I have lived there, off and on, going on eight or nine years.

Q. Do you work for this Slater Manufacturing Company ?—A. Yes, sir.

Q. How long have you worked for them ?—A. Principally all the time that I have been there.

Q. What is your employment ?—A. I work in the cambric works.

Q. Who is your overseer ?—A. Mr. Hilton.

Q. Do you know Mr. Lavaree. Mr. Moore, and Mr. Slater ?—A. Yes, sir.

Q. What are your politics ? For whom did you vote last fall ?—A. For Mr. Butler.

Q. What was he candidate for ?—A. Governor, I believe.

Q. Were there any other candidates for governor last fall ?—A. Mr. Talbot, I believe.

Q. Was Mr. Abbott in the field, too ?—A. Yes, sir.

Q. Of what party was Mr. Abbott the candidate ?—[Not answered.] If the witness does not know, I waive the question. You voted for Butler. Did anybody scare you, knock you down, shoot you, or in any way do you injury ?—A. No, sir.

Q. You voted a number of years ?—A. For Tilden was the first time.

Q. Did you vote as you wanted to then ?—Yes, sir.

Q. You are a Democrat ?—A. I voted Democratic that time. The last year I voted Greenback.

Q. You voted for Butler ?—A. Yes, sir.

Q. Did you consider that Butler was Greenback ?—A. I couldn't say what his principles were.

Q. You voted for principle, whatever it was ?—A. Yes, sir.

Q. And voted as you wanted to ?—A. Yes, sir.

Q. Did you have any talk with any of these overseers, the men who managed this corporation, about politics ?—A. I did have a little talk with Mr. Fletcher one day, when I went up to look about my tax bill.

Q. Tell all about it, how much he frightened you.—A. He didn't frighten me any.

Q. What was the talk ?—A. There was a little talk about politics ; we

talked it over for a while, and he asked didn't I think Mr. Talbot was the best man. I said probably he was for him, not for me. That was all the talk I had.

Q. Didn't he threaten to turn you off if you voted for Butler?—A. No, sir.

Q. Didn't he say that somebody would turn you off?—A. No, sir; never anything of the sort.

Q. Did you hear anybody connected with the corporation say that to those men who were going to vote for Butler?—A. No, sir; I did not.

Q. Did you hear anybody complaining that those managing men were trying to keep him from voting for any one?—A. No, sir.

Q. Did anybody connected with the corporation ever try to keep you from voting as you wanted to?—A. No, sir; no one ever tried to keep me from it.

Q. A man testified here that you, an employé of the cotton mills, had voted for Talbot because you did not dare to vote for Butler, fearing that if you did you would lose your place in the mills?—A. No, sir.

Q. You voted for Butler for all that?—A. I did, and the overseer, I think, knew that I was voting for Butler all the time.

Q. What makes you think so?—A. Because I often talked over it with him; we used to talk over it many times. Every man that worked for the corporation had the privilege of voting any way he liked.

Q. You voted as you pleased and the overseer as he pleased?—A. Just the same.

Q. You do not think that because you work for a man you have to vote as he pleases, and do as he pleases?—A. I don't.

Q. "A man's a man for a' that?"—A. Yes, sir.

By the CHAIRMAN:

Q. How long have you lived in this country?—A. That was the first place that I came to; I landed on the 17th of October, in Webster.

Q. Have you a family?—A. Yes, sir.

Q. A home of your own?—A. I live in a tenement that belongs to the company.

Q. Are you simply an ordinary hand?—A. Just an ordinary hand on the premises in the work.

Q. Who is the immediate superintendent of your division?—A. Mr. Hilton.

Q. Was Mr. Hilton at the election that day?—A. Yes, sir.

Q. You have heard Mr. Hilton talk politics about the establishment, have you not?—A. The same as we would any day we would meet.

Q. You understood that they were for Talbot?—A. Yes, sir.

Q. Had you any doubt about their politics?—A. No, sir.

Q. Did you belong to the Butler club?—A. I went down, but didn't join them, nor anything; I have been in there.

Q. Did you talk publicly that you were for Butler? Hilton and they all knew it in the mills?—A. Yes, sir.

Q. You say you were a Democrat always?—A. Yes, sir.

Q. To what church do you go?—A. I belong to the Catholic Church.

Q. You voted for Tilden; that was the first ticket you voted?—A. That was the first ticket I voted.

Q. Did you vote, in 1877, for governor?—A. No; I had been out of the State a few months, and had come back at the time of that election and didn't get to vote at that time.

Q. Did you ever hear any of them about the mills say that it was for the interest of the company that Butler should not be elected?—A. No

it was only that we would be talking all the time that "your man would be better than mine, probably," and we would discuss the matter.

Q. You never heard it said that it would be to the interest of the company that Butler should be defeated?—A. No, sir.

Q. You had a talk with Mr. Fletcher when you went to pay your tax?—A. Yes, sir.

Q. He tried to persuade you that Butler ought to be defeated?—A. Oh, yes; just as he often did.

Q. Who started that talk?—A. When I went to pay my tax bill I went first to the town clerk, and it was not paid there, so I went up to Mr. Fletcher (he always stopped the taxes up there, I believe; I didn't want to be baffled or anything), and he said to me, "I suppose you are going to vote for Butler?" I said, "Yes, sir." He asked, "Don't you think the other man is a better man?" I said, "Probably he may be for you—not for me; every man's kind is a king to him."

Q. You were outspoken?—A. Yes, sir.

Q. Nobody can bulldoze you; you are a pretty independent sort of a fellow?—A. O, no; nobody can be very independent who has to work for a living.

Q. Is that true down about the Slater mill, that nobody can be very independent who has to work for a living?—A. I don't know; they hadn't money enough, probably, the like of them, to be, as it were, independent.

Q. Do you think that everybody about the mill could vote as he wanted to?—A. I guess.

Q. Are you sure about that?—A. You know, of course, I couldn't testify to any other man's opinions.

Q. But I am asking you what you think?—A. Well, I presume so.

Q. The question is whether everybody who wanted to vote for Butler naturally could vote for Butler?—A. They had the privilege to do so.

Q. You think that every one had the privilege to vote for Butler who wanted to vote for him?—A. I think so.

Q. Do you know any men who were Democrats there who did not vote at all?—A. I don't know anything about who did vote and who didn't.

By Mr. McDONALD:

Q. Do you know how many votes Butler got out of the mill in which you were at work?—A. I couldn't tell you.

Q. Do you know that any man besides yourself in the mill voted for Butler?—A. I know one other man who worked in the mill who did. We walked up and voted together.

Q. How many votes were there out of that mill where you worked?—A. Probably fifteen or sixteen, along that way.

Q. In the one establishment where you were?—A. Yes, sir.

Q. State the politics of Mr. Hilton, your superintendent.—A. I presume he was a Republican.

Q. Was it not well known in the mills there that the superintendents and overseers, except Bartlett, were all Republicans?—A. The greater part of them are, I believe; I don't know what they are, I'm sure.

Q. Bartlett was opposed to Butler last fall, was he not?—A. I don't know.

Q. Was it not well understood in the mills there that the superintendent and the salaried employes, those who were in charge of hands, were all active Republicans and anxious for the election of Talbot and the defeat of Butler?—A. I had no dealings with them and none of them interfered with or bothered with me, so that I could not say.

Q. But was not that well understood in the mills, that the superintendent and overseers were anxious for the election of Talbot?—A. I presume they would have liked it if he was elected, of course.

Q. Weren't they out, all of them, and pretty active at the polls on the day of the election?—A. I don't know who was out; I wasn't down there long myself. The superintendent I worked for used to let them go out one or two at a time to keep the work running. He went down himself and came back. He wasn't very long down there.

Q. Were your taxes charged to you on account or did you pay the money?—A. I paid the money last year.

Q. When you went up to pay your taxes, Mr. Fletcher introduced the subject of politics, and asked you for whom you were going to vote?—A. Yes, sir.

Q. Didn't he first tell you that he was going to vote for Talbot and supposed you were too?—A. No; He asked me first if I was going to vote for Butler.

Q. Didn't he first say "I am going to vote for Talbot and I hope you will too"?—A. No, sir.

Q. But that you could vote as you pleased?—A. He didn't say whether I could or not.

Q. He didn't say anything of that kind, about whether you should vote as you pleased?—A. He didn't say anything further to me at all nor anything more than that Mr. Talbot was the best man.

Q. Didn't he tell you that Mr. Butler's election would bring ruin upon the country?—A. He said it wouldn't be a good thing, of course, those greenbacks, and so forth.

Q. And would bring ruin on the country?—A. I don't know as he said anything about ruin on the country.

Q. Did he not say it would injure the manufacturing interests of this State very much to have Butler elected?—A. I don't recollect his saying anything about that.

Q. He used some kind of argument to persuade you that it was better to elect Talbot, didn't he? He must have said something to you as he introduced the subject?—A. He introduced it as I told you.

Q. Did he not tell you that the election of Butler would be very injurious to the interests of the manufacturers?—A. He brought it out so that those greenbacks would amount to nothing and such stuff as that.

Q. That it would ruin the country and ruin the business?—A. Yes.

Q. Didn't he say it was hard enough as it was then, and that, if Butler was elected, a great many of the factories would have to stop entirely?—A. I don't recollect his saying anything of that.

Q. He must have used some argument. Was not that the way that he talked on the subject?—A. Yes; something like that.

Q. He may not have used those very words, but that was the idea?—A. Yes; something like that.

Q. He did not convince you that that was so?—A. No.

Q. Still he tried to convince you that your vote was going to be very injurious to you and the country?—A. He might have thought so, but I didn't.

Q. I am talking about how he argued the question with you. He did not tell you that if Butler was elected, greenbacks would not be worth anything?—A. Yes.

Q. He told you that, that they would not be worth anything, that you could not buy anything?—A. Yes.

Q. Did he not tell you that the work would stop there?—A. No; he didn't.

By the CHAIRMAN:

Q. Who talked with you first about coming down here?—A. Mr. Moore and Mr. Hilton.

Q. When was that?—A. Last night.

Q. They wanted you to come down and testify?—A. Yes, sir.

Q. Who paid your way down?—A. Mr. Hilton.

Q. You came down with Mr. Hilton; I suppose that your pay goes on for the day up there?—A. I presume so.

Q. You are still in their employ?—A. O, yes.

Q. What did the other fellows who were working there and who were Democrats say to you about voting for Butler?—A. They didn't say anything.

Q. Didn't any one of them say anything to you about it?—A. No, sir.

Q. Didn't some of them talk to you about it being a little risky to vote for Butler?—A. No, sir; they didn't.

Q. Not one of them?—A. Not one of them.

Q. Didn't any one of them say to you that if you talked too loud about Butler and voted for Butler you might get discharged?—A. No, sir; I never talked to any of them about it, but did what my mind brought me to.

Q. Didn't they say that if they voted for Butler or talked for him they might get discharged?—A. They didn't say anything to me of that.

Q. It was a pretty general talk in the mills there; they spoke out?—

A. O, yes, there was no hinderance.

Q. You talked out pretty loud that you were for Butler?—A. Yes, sir; the same as I do now.

Q. How many there besides you voted for Butler; only one?—A. That is all that I know of; he came to the ballot-box at the same time.

Q. What is his name?—A. Mr. Moy.

Q. Was he a Frenchman?—A. An Irishman.

Q. Were there other Irishmen there?—A. Yes, sir.

Q. Were they Democrats before?—I presume so.

Q. For whom did those other fellows vote at the Presidential election?—A. For Tilden, I believe.

Q. Did they vote this time for Talbot?—A. I don't know.

Q. You only know that two men, you and another, voted for Butler and these other men voted for Tilden?—A. I don't know how they voted this time.

Q. They talked out, did they?—A. Yes, sir; I don't know how they talked.

Q. But you know that they did vote for Tilden?—A. None of them told me that they voted for Tilden.

Q. You know that they voted for Tilden the year before?—A. I suppose they did.

Q. Do you know how they voted in 1874, Democratic?—A. Yes, sir.

Q. You do not know how they voted last year?—A. No, sir.

Q. The talk in the mill, you say, is, very free?—A. O, yes.

Q. How does it happen, then, that you do not know how these men voted last year?—A. I didn't work in the mills then, and I didn't go around to these meetings.

Q. You were then promoted to be a watchman?—A. I was then, but I left it.

HUGH DUFFY sworn and examined.

By Mr BLAIR :

Question. Where were you born ?—Answer. In Rhode Island.

Q. Where do you now live ?—A. In Webster.

Q. How long have you been there ?—A. Three years.

Q. For whom do you work ?—A. For Mr. Slater.

Q. For this corporation, the woolen company that is spoken of ?—A. Yes, sir.

Q. How long have you worked for that company ?—A. It was two years on the second of last May.

Q. Did you vote last autumn ?—A. Yes, sir.

Q. For whom did you cast your vote ?—A. For Butler.

Q. Did you vote freely ?—A. Yes, sir.

Q. Was there any threat or intimidation or effort to hinder you from voting as you pleased ?—A. No, sir.

Q. Nor during the canvass preceding the election day ?—A. Not any.

Q. Was there any intimidation from any one ?—A. No, sir.

Q. Neither by Mr. Slater nor any of those in control of the work ?—A. Mr. Slater never spoke to me.

Q. Nor any of the overseers ?—A. Not about how I should vote.

Q. Did you know of any intimidation or threat by overseers or anybody in the management of the work, upon or to any of the operatives ?—A. No, sir.

Q. Was anything said to them to the effect that it would not be well for them or that they or their families would suffer in any way or by loss of employment if they voted for Butler ?—A. No, sir.

Q. Some witness has testified that Edward Farrel, an employé in the mills, voted for Talbot because he did not dare to vote for Butler, fearing that if he did he would lose his place in the mill ; and the same witness went on to say that Hugh Duffy was another who voted in the same way ; that is that you voted for Talbot because you were afraid you would lose your place in the mills ; that is untrue, is it ?—A. Yes, sir.

Q. How did you go to the polls ?—A. I went down in the carriage.

Q. Who drove the carriage ?—A. John Whalen ; he is dead now.

Q. Were there others in the carriage ?—A. Two more ; they were all Butler men.

Q. Was this in which you rode one of the company's carriages ?—A. No, sir ; it belonged to George Morse's livery stable.

Q. This man who drove it was driving for livery men ?—A. He was driving for anybody who was going down, not for Butler men particularly.

Q. There was a good feeling among the men going down ; they discussed politics ?—A. O, yes.

Q. Did they talk as freely among their overseers as among others about that ?—A. Some of them did ; my overseer asked me if I wanted one of his tickets ; I said no ; he said that that was all right.

Q. Do not these operatives feel that they are just as independent as their overseers or employers are ?—A. Yes, sir.

Q. Do you not think, as far as you know them, that the working people in this State are just as independent and resolute in carrying out their will as anybody ?—A. They were, down there at election time, I know.

Q. Do you think Mr. Slater any better than any other man because, simply, he is wealthy and has control of a great corporation ?—A. No ; I don't.

Q. Do you think that the operatives generally look upon their employers as any more independent or respectable than they are themselves ?—A. No.

Q. That is your feeling, so far as you know ; that is the general feeling of the laboring people of this State ?—A. I judge that it was.

Q. You judge that it was by the way that they voted ?—A. Yes, sir.

By the CHAIRMAN :

Q. Do you think that a laboring man is perfectly independent of his employer ?—A. Yes, sir ; I think he ought to be.

Q. That is not the question. Do you think that he is, down there ?—A. Yes, sir.

Q. You have always acted and voted as you pleased ?—A. Yes, sir.

Q. You attended the Butler meetings ?—A. Yes, sir.

Q. You often attended the Butler clubs ?—A. I was there three times.

Q. Were you out to hear Butler speak ?—A. No, sir.

Q. You had the privilege of going, I suppose, if you wanted to ?—A. I suppose so ; I didn't ask privilege.

Q. There was no general authority given to allow the employés to go out ?—A. No, sir.

Q. Did any of the men go out and hear Butler ?—A. Yes, sir ; they asked permission to go at noontime, and they let them go.

Q. How long were they away ?—A. All the afternoon, some of them.

Q. I suppose they were paid for that afternoon ?—A. No, sir.

Q. It came out of their pay ?—A. Yes, sir.

Q. You could have gone if it had not been taken out of your pay ?—

A. Yes, sir.

Q. You have a family ?—A. Yes, sir.

Q. Do you live in one of the company's houses ?—A. Yes, sir.

Q. Are you still employed by the company ?—A. Yes, sir.

Q. Who spoke to you first about coming down here ?—A. Mr. Moore told me I should be here to-day.

Q. You came down with Mr. Moore ?—A. Yes, sir.

Q. You know that Mr. Moore is superintendent of the woolen mill ?—

A. Yes, sir.

Q. They paid your way here ?—A. They paid my way here because I didn't have the money myself. I suppose it will be paid back.

Q. You were not intimidated ?—A. No, sir.

Q. No one complained to you because they thought it a little dangerous ?—A. No one.

Q. How many Democratic voters were there in your establishment who voted for Tilden ?—A. I was not there during the Tilden campaign. I was not in the town.

Q. Do you know how many Democrats there were in your part of the works ?—A. I think there were eight.

Q. How many voted for Butler ?—A. All of them. I think they did, I wouldn't swear to it. They all said before election they were going to.

Q. Where did you get your ticket ?—A. I got it from Joe Love, in the hall.

Q. Did anybody else give you a ticket ?—A. They handed them to me, but I didn't take them. There were several.

Q. Did you get any from Mr. Fletcher, Mr. Lavaree, or Mr. Moore ?—A. No, sir.

Q. Was Mr. Moore at the ballot box when you voted ?—A. Yes, sir ; he was one of them.

Q. You think that the employés of the Slater works are perfectly free

in every respect and are under no obligations to anybody ?—A. Outside of the works, yes.

Q. You think there is no desire or effort there on the part of the employers of the men to control them in any way ?—A. No, sir.

Q. The agents and superintendents of the works are all Republicans, are they ?—A. I believe they are excepting one, Mr. Bartlett.

JAMES HILTON sworn and examined.

By Mr. BLAIR :

Question. Where do you reside ?—Answer. In East Webster.

Q. Are you in the employ of the Slater Woolen Manufacturing Company ?—A. Of the Slater Manufacturing Company, Cambric Works.

Q. How long have you been in their employ ?—A. Sixteen years.

Q. What is the position you occupy there ?—A. At the present, acting superintendent.

Q. For how long a time have you so acted ?—A. For two years.

Q. What are your political sentiments ?—A. I vote the Republican ticket when I do vote.

Q. You are not a very active politician, I take it ?—A. No, sir.

Q. I judge from your answer that you do not always vote ?—A. Yes, sir ; I have always voted since I was naturalized.

Q. How long has it been since you were naturalized ?—A. Four years.

Q. Where were you born ?—A. At Lancashire, England.

Q. Were you connected with manufacturing before you came to this country ?—A. Yes, sir.

Q. You were present at the election last autumn, I suppose ?—A. I went there about a quarter past two, in the afternoon.

Q. How long did you remain ?—A. Until three o'clock.

Q. How far is it from your office to the voting place ?—A. A mile and a half, or a mile and a quarter probably.

Q. How did you go there ?—A. I went in a team.

Q. Did other voters ride with you ?—A. Yes, sir ; one Democrat.

Q. Do you recollect how many were in the carriage with you ?—A. There were four besides the driver.

Q. All parties went promiscuously in these carriages, did they ?—A. Yes.

Q. Have you known, since your connection with the mills—perhaps the question should be restricted to the last three years, under the rule of the committee—have you known in that period of any effort, coercion, or threat of the employers, superintendents, or overseers of this company to control the votes of their operatives ?—A. No, sir.

Q. So far as you know, have the men voted freely or otherwise ?—A. Yes, sir ; every man has voted according to the dictates of his own conscience.

Q. This talk of intimidation by the manufacturers, so far as you know, is unjust to them ?—A. It is false ; yes, sir.

Q. How long have you been in the manufacturing business ?—A. I was in the dyeing business, before I came to this country, four years.

Q. Have you spent your whole time since coming to this country in manufacturing ?—A. Yes, sir.

Q. In this city ?—A. I was in Boston a small portion of the time.

Q. Your business brings you in contact with manufacturers from all parts of the State, I suppose ?—A. Yes, sir.



Q. A witness, James F. Bonner, has testified that he was discharged from the Slater mills after being threatened through Mr. Slater by Mr. Hilton that if he did not vote as Hilton (or Slater) wished, and induce the men under him to vote, he would be sent from the mills. Is that statement true or false?—A. It is false.

Q. Who is this James F. Bonner?—A. He is a man who lives in the village. That is all I know about the man.

Q. Do you know anything about his having been discharged?—A. No, sir; only for worthlessness, as we may term it. That was not owing to the election whatever. It was five months previous to the last (November) election and some weeks after the town election.

By the CHAIRMAN:

Q. How long were you at the polls?—A. I went to the polls about a quarter past two and left at three. I was not at the polls all of that time; I was not at the polls five minutes.

Q. What were you doing?—A. Nothing, only in conversation with friends.

Q. You made no attempt to distribute tickets?—A. No, sir. I am always the last man to leave the mill to go to vote. I make it a rule to send my hands before me so that I know when they come back and when I can leave my work in safety.

Q. All who were entitled to go had gone before you?—A. Yes, sir.

Q. Do you know of any voters in the mill who did not go to vote that day?—A. Not that I know of.

Q. Do you know the politics of the men in the mill?—A. They are about equally divided. I don't know but that the Democrats have a majority of two.

Q. How many voters are there among them?—A. There are about twenty in the cambric works. Of those about eleven are Democrats.

Q. How many of those voted the Democratic ticket?—A. Eleven—all whom I suppose to be Democrats. It does not matter to me what they are; I don't bother about it.

Q. Do you think that everybody who wanted to vote for Butler there did vote for him?—A. Yes, sir; they had that privilege.

Q. Did any of them vote for Abbott that you know of?—A. I couldn't say.

Q. You do not talk any politics about the establishment?—A. No, sir. It is not very becoming for overseers to do so.

Q. Were you at the polls in 1877?—A. Yes, sir.

Q. How long did you stay there then?—A. I couldn't tell you; it is so long ago, and I can't keep these things in memory all the time.

Q. You were somewhat active last fall?—A. No, sir. As I told you, I sent every voter out of the mill before I went myself.

Q. In 1876 were you a voter?—A. Yes, sir.

Q. Do you remember how long you were at the polls that day?—A. No, sir.

Q. Was the superintendent there that day?—A. No, sir.

By Mr. McDONALD:

Q. You have been in these works about sixteen years, and two years of that time you have been superintendent of the cambric works?—A. Yes, sir.

Q. How long have you known this Mr. Bonner?—A. I couldn't tell you how long I have known him certainly, only that it is probably some five or six years.

Q. Was he under you?—A. No, sir; none of the time.

Q. He was in what establishment?—A. He was on the Slater Woolen Company's farm.

Q. Then you don't know anything about him, except as to his work?—A. I do not.

Q. You do not know what he was discharged for, do you?—A. I don't, only that it was some misconduct in his town; that was all.

Q. Do you know of any misconduct?—A. From what was going on generally among the people; that was all.

Q. You do not know anything about it yourself?—A. Definitely, no, sir.

PHILIP L. MOEN sworn and examined.

By Mr. PLATT :

Question. Do you reside at Webster?—Answer. I do.

Q. Are you a manufacturer?—A. I am.

Q. Of what firm?—A. The Washburne & Moen Manufacturing Company.

Q. Are you the president and manager?—A. I am.

Q. About how many men did that establishment employ in 1878?—A. About 1,300, I think.

Q. Do you know how many of them are voters?—A. I have not the least idea.

Q. Do you know the relative proportions of Republicans and Democrats?—A. I could only judge from their nationality; it would be a mere surmise. I have not the least idea how they were divided.

Q. Were you present at a meeting of some of the leading citizens of Webster held prior to the fall election of 1878?—A. I was.

Q. Will you state as concisely as you can what was said and done at that meeting?—A. Nearly all that was said there was said in the way of remarks made by Judge Thayer, who was chairman of our State committee. He stated that the canvass had been made; that all the probabilities were in favor of the Republicans succeeding at the gubernatorial election; that it was of great importance that we should have a full vote, and that we should certainly carry Worcester if we could bring out our full vote. There seemed to be some little lukewariness, it was thought, among the leading Republicans.

Q. Was any suggestion made at that meeting, either open or covert, that the manufacturers should exert an influence or put a pressure upon their hands to vote against Butler?—A. There was not the least.

Q. As a manufacturer, did you attempt in any way to influence your employes in their votes?—A. I did not, either directly or indirectly.

Q. One witness testified here that he had heard that at that meeting it was proposed, on the part of somebody, that the manufacturers should not openly threaten their hands with discharge, but should talk in a way which would give them to feel that they were in danger of discharge unless they voted for Butler, and that you objected to that.—A. I don't think any such suggestion was made. I was there during the whole session, and there was nothing approaching that, or anything like it.

Q. It was testified that they must not openly say this, but that they must present the alternative in some way.—A. Nothing of that kind was said in my hearing. The most that was said was that we ought to address our men upon the canvass upon the importance of sound money. I believe that some such suggestion as that was made. That was the most pointed suggestion that was made.

Q. So far as your knowledge is concerned, was any effort made by your superintendent or officers, or otherwise, to try to control the votes of the employes so as to have them cast against Butler?—A. None whatever.

Q. None was by your direction?—A. None was by my direction or my knowledge.

Q. And if done you would have been pretty likely to have heard of it?—A. I would have been pretty like to have heard of it. I spent my time there.

By Mr. McDONALD :

Q. How were the members of this meeting brought together?—A. I think by a written request to attend the meeting. I received a note from somebody; I have forgotten from whom.

Q. Where was the meeting held?—A. At the office of Colonel Washburne.

Q. In the inner office?—A. There is no inner office; there are what might be called two large offices in one, the partition having been removed. The place was formerly used for two stores.

Q. It was a second-story room?—A. It was.

Q. The two rooms had been thrown into one?—A. Yes, sir.

Q. With a division between them still forming a partition?—A. There was very little division, indeed.

Q. You were in the back part of the place?—A. Yes, sir; they were two front offices, not back.

Q. One would be a little nearer the door than the other?—A. Yes.

Q. How many persons were in attendance at that meeting?—A. I should think not much more than a dozen; it seems to me there were not more than that.

Q. Can you give me the names of those who were present?—A. I can give the names of several of those who were present. Those were, I think, Mr. George Crompton, Mr. E. W. Vaill, Mr. George S. Barton. I don't recall any others except Judge Thayer and Colonel Washburne, though there were others.

Q. Was Mr. Walker there?—A. Joseph H. Walker was present, I remember. He left before the meeting was over; he had to go out of town.

Q. All of those parties, except Mr. Thayer, the chairman of the Republican State central committee, and Mr. Washburne, the chairman of the city committee of Worcester, were what are termed manufacturers, were they not?—A. Yes; most of them, I think, were such.

Q. They were all persons having charge of or in some manner interested in employing more or less help in manufacturing establishments?—A. Yes, sir.

Q. What number of employes would you say that that meeting represented?—A. I never thought of it in that light. It might have been two thousand, possibly more.

Q. Were they all of the county of Worcester?—A. Of the city of Worcester. I think there was nobody there from out of town.

Q. They were what may be termed the leading manufacturers of the city of Worcester?—A. They were.

Q. You say that, as far as speech-making took place there, the principal speech was made by Mr. Thayer, the chairman of the State central committee?—A. It was.

Q. Did he explain the purpose of calling that meeting?—A. He thought there was some lukewarmness and that we were in danger, as we some-

times are, of not bringing out the full Republican vote. He thought that if the employers—

Q. Had he any doubt how you would vote?—A. I suppose not. He ought not to have had.

Q. Nor of any other gentleman who was there?—A. I suppose not.

Q. What further did he say?—A. That we should interest ourselves to have the Republican voters vote.

Q. The Republican voters from where?—A. Those in our employ.

Q. From the mills?—A. From the mills.

Q. You say there was a suggestion made that you ought to bring your employes together and talk to them. Do you remember who made that suggestion?—A. I do not. There were some suggestions of that character. He urged upon them the importance of the canvass, to endeavor to bring out a full vote, and explained the importance of the election.

Q. Do you remember in substance just what Mr. Thayer said to you with reference to the importance of the election?—A. I could not say. I remember distinctly the manner in which he expressed his confidence as to the result, and that he said the canvass, so far as it had been made, indicated that there would be a sufficient vote to carry the election for the Republicans.

Q. He said that the canvass, so far as it had been made, indicated that result. What further did he say in reference to your exerting your personal influence as well as giving your votes to the cause?—A. I do not recall any suggestion other than the one I have named.

Q. When that suggestion was made, about calling the mill hands together and addressing them, who objected to it?—A. I believe that I remarked that I never did speak to my men as to how they should vote.

Q. Do you recollect whether Mr. Crompton joined you in that?—A. I do not.

Q. Or Mr. Walker?—A. No, sir.

Q. You cannot remember from whom the suggestion came?—A. I cannot.

Q. Did it not come from Mr. Thayer?—A. It might have. I do not recollect that it did.

Q. Did he not rather upbraid you for not using this influence upon your men?—A. I do not recollect.

Q. Did he not speak of the activity and time that other members were devoting to this cause, and rebuke you for your sluggishness?—A. I think not.

Q. He gave you some account of how the canvassing had been progressing up to that time, did he not?—A. He simply made the general remark without giving the particulars.

Q. Did he not tell you that the committee had issued a circular to ministers to have them influence their several congregations?—A. That was not stated in that meeting.

Q. You knew that such a circular had been issued?—A. If there was any such, I have forgotten it. I am not a very active politician, not a ward politician.

Q. Mr. Thayer was very active?—A. Yes; certainly; he is.

Q. Did he not stir you with his eloquence?—A. I do not know. We are always very much interested in what he says.

Q. He threw a great deal of earnestness into his discourse on that occasion?—A. Perhaps so.

Q. Do you say you are sure that, in speaking of the instrumentalities which the party were using, he did not say anything in relation to the

circular to ministers of the gospel?—A. I am sure he made no allusion to anything of the sort.

Q. In his testimony here, the other day, giving his reasons for having called you in among others, he said he regarded you as a man possessing a good deal of moral influence on account of your connection with the church, or something to that effect.—A. That may be; I do not know how much I have; it may be very little.

Q. Was any suggestion of that kind made?—A. Nothing of the sort was intimated.

Q. Had you ever before been called in to attend a manufacturers' meeting of that kind?—A. I do not remember any.

Q. Was it not the first gathering of manufacturers in a political canvass that you ever attended?—A. I think it was.

Q. Did it not strike you as unusually strange?—A. No; I do not think it struck me as unusually strange. We had a good deal at stake about sound money in those days.

Q. Do you not think it a little strange that manufacturers were singled out? Why should they not have called in some of the merchants, the bankers, and so forth?—A. I do not know; it was thought, perhaps that they would have a little more influence in several ways.

Q. He thought that these gentlemen who represented several thousand men would probably in their influence be a little more efficacious than would be others?—A. Very likely.

By the CHAIRMAN:

Q. In the meeting there, did not Mr. Thayer exhort all the gentlemen there to use all the influence they had with those upon whom they had influence?—A. I think he might have; to use all their influence over those over whom they had influence, in a proper way. I think he might have used the expression.

Q. Was Mr. Washburne connected with you as a manufacturer?—A. No, sir; he is in the insurance business.

Q. Was anything said about money?—A. No, sir; nothing was said about money.

Q. Were any of the gentlemen there speakers?—A. Mr. Walker made speeches sometimes.

Q. Was it to utilize the speaking talent of the gentlemen present that the meeting was called?—A. I think not, particularly.

Q. It was simply to get an exertion of the influence which the gentlemen who were called there possessed?—A. I think so.

Q. You yourself opposed the exertion of any influence you possessed directly upon your employés?—A. I did; I told them that.

Q. Did not Mr. Washburne express himself to the effect that it was right that such influence should be exerted?—A. Perhaps he did; I do not recollect it.

Q. Mr. Washburne said the purpose was to get them to use their influence upon the employés, and that he thought that that was right?—A. No, sir. Does he say so there? [Indicating the stenographic notes.]

Q. My impression is that in his testimony he said he thought it was right. Do not understand me as saying he stated that he thought it was right to intimidate workmen.—A. No, sir.

Q. Did you, later, understand Mr. Washburne as saying that he had subsequently seen any employers of labor?—A. I have not the least recollection of that.

Q. Do you know how many Democratic voters there are in those

establishments?—A. I do not. I suppose there are more of those than of Republicans, because the workmen are generally Irish and German.

Q. Do you think that those workmen would have voted the tickets which they did vote if the meeting had not been got up?—A. I suppose so.

Q. There was a pretty warm feeling down there in Worcester? It is the focal point of the antagonism to Butler?—A. Yes.

Q. From Worcester goes out the influence of the opposition to Butler?—A. Yes, sir.

Q. (By Mr. PLATT.) Not all?—A. Not all. We don't wish to monopolize all. We only wish that there was a great deal more.

By the CHAIRMAN :

Q. Was this a meeting of those who were specially antagonized to General Butler?—A. O, I think not.

Q. It was a meeting simply of those who were Republicans and connected with the Republican organization?—A. Yes.

Q. Had you been called into council in the election campaign of November, 1877?—A. I think not.

Q. Were you called into council in 1876?—A. No, sir; I think not.

Q. This was the first time that you had come together?—A. Yes, it was the first time that we had come together.

Q. You seem to have been a forlorn hope?—A. No, we were rather hopeful. We knew that we had to be rather active.

Q. You had a lively antagonist?—A. Yes.

Q. Then the meeting, being neither for speakers nor for money, was for some other purpose, and that was simply the exertion of the influence of the gentlemen who were there, that was the purpose?—A. That was the design.

Q. That was urged by Mr. Thayer?—A. Yes.

Q. Did you follow out that design?—A. I simply went home and attended to my business.

Q. You made no effort to influence your employés?—A. Not a particle.

By Mr. PLATT :

Q. Were those who were there, aside from the influence they had as manufacturers, men of influence in the city, leading men?—A. Yes, sir; and gentlemen who always take considerable interest in a Republican canvass.

Q. They were men who were generally interested in public matters?—A. Certainly.

By Mr. BLAIR :

Q. Was this opposition to General Butler made against him personally, or rather to the dangerous financial theories which he advocated?—A. The theories he seemed to advocate were what stirred us up.

Q. What was the general feeling among manufacturers as to the effect upon the industries of this State if the financial theories of General Butler should prevail?—A. It was deemed of great importance that they should not prevail, that they would be very injurious to our interests.

Q. Do you consider the interests of the manufacturer and the workmen whom he employs as substantially identical?—A. We always regard them in that light.

Q. How is it possible for one to flourish unless the other does?—A. They cannot, in our judgment.

Q. You looked upon this then as an issue which involved the prosperity of the laboring people quite as much as it involved the prosperity of the employers?—A. The prosperity of all classes.

Q. Then any special influence which you wished to exert was in the way of enlightening the voters as to the real nature of the issues involved?—A. That was my desire, so far as I had any influence.

Q. You were actuated by a desire to promote that policy which would be for their interest as well as for your own?—A. Certainly.

Q. So far as you know were any unlawful or improper means employed by manufacturers in your city or anywhere in the State?—A. I heard of none in our vicinity or elsewhere. I do not believe that any were exerted.

Q. The feeling which you had in connection with the party's success was rather of an industrial than of a strictly political character?—A. It was partly both.

WILLIAM T. SHUMWAY sworn and examined.

By Mr. BLAIR:

Question. Where do you reside?—Answer. In Webster.

Q. You have lived there how long?—A. Thirty-three years.

Q. What town offices have you held there?—A. Those of treasurer and selectman.

Q. Were you one of the selectmen at the election last autumn?—A. I was.

Q. How much of the time on election day were you present?—A. All of the time, except about fifteen or twenty minutes.

Q. As one of the selectmen it was your duty to be in charge of the voting?—A. In charge of the voting and in charge of the ballot-box.

Q. Have you connection with any manufacturing corporation in that town?—A. None whatever.

Q. What is your business?—A. The dry goods trade.

Q. Explain in regard to the situation of the ballot-boxes, if there were more than one, and the uses to which they were respectively put.—A. There were two boxes, one for the State ticket and one for the ticket for representative to the general court of Massachusetts. The Representative in Congress was on the State ticket.

Q. How were those boxes situated with reference to each other?—A. They were placed side by side. I had charge of one and one of the other selectmen of the other, with the check perhaps three or four feet to the right. As a man came up to vote, he would call his name, if the man with the check list did not remember it. And upon his name being found on the check list or the voter's list, it would be checked, when we then opened the box, let the man vote and closed immediately.

Q. You had charge of one of these boxes, had you?—A. I had charge of the State ticket box, the one for the tickets which contained the names of candidates for governor and Representative in Congress.

Q. Who had charge of the other box?—A. Some of the time, Mr. Moore; the rest of the time, Mr. Howell.

Q. Mr. Moore had charge of the box in which were placed the tickets for the candidates for representative to the general court? He had nothing to do with the other box containing the names of the candidates for governor?—A. Nothing, unless it was at the time I was out for my dinner, fifteen or twenty minutes.

Q. Was it his duty or had he an opportunity to watch or control the vote of any man voting for governor?—A. Not in the least. He could not tell what ticket it was that a man was putting in the box in front of me, if he was attending to his own.

Q. So that you both were engaged in depositing ballots at the same time, were you?—A. Yes.

Q. The voters came up and passed along in front of the box?—A. Yes. I think that at that time there was a space of perhaps six feet in width for them to go through.

Q. To which box did the voters come first?—A. The one that held the State ticket. The other was the next to the right.

Q. So that, as the voter approached, he would be under your eye rather than under the eye of Mr. Moore?—A. Yes.

Q. How far apart did you and Mr. Moore stand?—A. We were seated. We were as near as we could sit comfortably.

Q. Was the floor on which the voter stood a little lower than where you were seated?—A. Yes, sir.

Q. So that the voter was below you?—A. I should think perhaps two and a half feet below.

Q. As he passed along, was the face of the voter with reference to yourself, higher or lower?—A. It was a little lower.

Q. A little lower than the table on which the box was placed?—A. Yes.

Q. So that, as the voter approached, if he carried his ballot in the ordinary position, there were, between you and the ballot, the boxes and table that were in front of you. Could there then have been any reasonably good chance to scan the ballot as the voter approached?—A. No chance whatever.

Q. There could be no chance unless it was thrust into the face of the selectmen?—A. No chance whatever.

Q. Did you notice any watchfulness on the part of the selectmen to see the votes as they were put in?—A. Nothing, only to see that a voter put in only one.

Q. Did you observe Mr. Moore scrutinizing the conduct of the voter?—A. I did not see him to speak to him at all.

Q. Did you observe him intermeddling or interfering with the conduct of the election in any way?—A. Not in any way or manner.

Q. Did any one, among the officers, conducting the balloting?—A. No, one.

Q. As the voting was going on, did you notice on the floor of the house any interference by Republicans with Democrats?—A. No, sir; the only man who seemed to be at all anxious to have the men take the tickets was Mr. Waters.

Q. What was he doing?—A. Distributing votes and urging them to take his vote. He was the only man who seemed to be at all anxious in thrusting his votes into the hands of other people.

Q. He is the man who has testified here about the universal depravity of everybody else?—A. He is the one.

Q. In regard to the voting in envelopes, or the casting of votes that were inclosed in sealed envelopes, state whether there was much of that done.—A. Very little. I should think that some half a dozen were put in.

Q. You had occasion to open those envelopes afterwards, had you?—A. Yes, sir.

Q. Have you any recollection for whom they were cast, whether for



the Republican or the Democratic candidate?—A. I could not tell, as it was not part of my duty to see.

Q. You opened the sealed envelopes to ascertain how many votes there were?—A. Yes; to see that there was but one in an envelope and then put it in the pile where it belonged.

Q. You are not interested in any of these corporations?—A. Not in the least.

Q. They never undertook to intimidate you, and you dare to tell how it was there that day; now, if you do dare to tell it, let us know what you saw on the part of any one in regard to the intimidation of voters or any such practice; the committee will see that you are protected if you tell about it.—A. I shall run my risk. I have no doubt I will be protected without the committee.

Q. Have you ever known of a freer election than was that of last November?—A. Never. It was the universally expressed opinion that it was the most quiet and orderly election that was ever known in the town.

By Mr. McDONALD :

Q. Pure and peaceable, was it?—A. Pure and peaceable.

Q. Pretty much one way?—A. No; it was as near even as not to be rather exciting to those who cared much about it, but I was not interested very much.

Q. How many stores are there in Webster?—A. I should say about twenty-five, dry-goods and others.

Q. Who are your principal customers?—A. The operatives in the mills, in the shoe shops, and on the farms.

Q. In the factories?—A. Besides the factories there are a good many shoe works.

Q. They are factories too?—A. Yes.

Q. So that the factory hands are your principal customers?—A. Yes, sir.

Q. Do you get orders from the mills?—A. No, sir.

Q. You had charge of one of the boxes, you say, for most of the day?—A. Yes.

Q. And Mr. Moore had part of the day?—A. He had charge of the other box.

Q. How much of the day?—A. I could not recollect; I think nearly the whole time.

Q. You and he sat there side by side as the voters came along. Where they passed along, you say, was some two and a half feet below where these boxes were on the table. You had no difficulty in seeing who they were?—A. No.

Q. It was your duty to see that they were the right men?—A. Yes, sir; that they were the ones whose names we had registered.

Q. It was Mr. Moore's duty to see in the same way?—A. Yes; they came to me first and I would call the name.

Q. Then Mr. Moore, sitting there by your side, could hear the name called and see the person who responded before the person voted in your box?—A. Yes.

Q. After the name was found on the registry and the man had voted in your box, he passed on to Mr. Moore's box?—A. Yes, sir.

Q. So that they were standing in front of you both at the time they were voting in the one box and in the other?—A. Yes.

ASHER T. MOORE sworn and examined.

By Mr. BLAIR :

Question. Do you reside in Webster ?—Answer. Yes, sir.

Q. What is your employment ?—A. I am superintendent of the woolen department of the Slater Manufacturing Company.

Q. How many men have you under you in your works ?—A. Some two hundred, probably.

Q. How long have you occupied that position over them ?—A. Some ten years.

Q. How many voters are there among those men ?—A. Thirty, perhaps.

Q. Of what nationalities are the men ?—A. Irish, French, and German.

Q. Any Americans ?—A. Very few.

Q. About how many of Irish ?—A. I should say one-half of them.

Q. Of Germans ?—A. Maybe a third.

Q. The rest are French ?—A. Yes, with a few English.

Q. From where do the French come ?—A. Mostly from Canada.

Q. About how are they divided politically ?—A. I should say that three-fourths of them are Democrats.

Q. Has that been so generally for the last ten years ?—A. It has.

Q. Have you not had them long enough to change them all into Republicans by bulldozing, intimidation, and the like ?—A. We have not been able to do much of that yet.

Q. Has there been any change in the practice with regard to your workmen as to the effort to control their votes at all recently ?—A. Not at all.

Q. You pursue the same system that you have pursued for the last ten years and you have not made much headway in changing Democrats into Republicans ?—A. Very little.

Q. Do you think your performance in this respect has been satisfactory to your company ?—A. I do.

Q. Do you mean to say that they are satisfied with such a meager result as that ?—A. I do.

Q. What are your employers ?—A. I should say they are Conservative Republicans.

Q. They must be very conservative, must they not, if your effort is to keep a two-third Democratic vote there all the time ?—A. They take very little interest in influencing a vote one way or the other ; they have never taken but very little interest in that.

Q. Never for this last ten years ?—A. No, sir.

Q. You have superiors there ?—A. Yes, sir.

Q. Has your political conduct ever been interfered with in any way by your superiors or employers ?—A. Not in the least.

Q. Or have they ever intimated to you that they desired you to exert any political influence one way or the other over your help ?—A. No, sir.

Q. Have you ever known Mr. Slater or the owners of this property or controllers of this corporation to make use of their relation toward their employes or any of the subordinates to affect a political result ?—A. No, sir.

Q. Have you known of their threatening any of their superintendents with discharge or any of their workmen with loss of employment or any pecuniary disadvantage to promote a political result ?—A. Never.

Q. You attended the election last autumn ?—A. I did.

Q. Did you vote ?—A. Yes, sir.

Q. A statement has been made here by a witness that Mr. Moore distributed Republican tickets to his men, saying, "This is for your interest;" that some of them deposited the ballots thus given them and others voted as they chose. So far as you are concerned, did they all vote as they chose?—A. I think they did. I don't know of any one who did not vote. As to distributing tickets, I did not distribute a ticket, not one.

Q. Then you did not say to any one, as you gave him a ticket, "This is for your interest"?—A. No, sir; I never gave them one.

Q. Do you remember ever using that expression to any voter whatever?—A. No, sir.

Q. Did you say anything tantamount to that, in a threatening way?—A. No, sir.

Q. Do you remember discussing politics with any of your men during the campaign?—A. Not with any particular one. I may have said, on the street, in discussing politics with some one, that I considered it to their interest to vote the Republican ticket. I do not deny that.

Q. Did you not have a perfect right to say that?—A. Yes, sir; I took that right.

Q. Do not those men talk up to you just as you do to them on politics?—A. Just the same. They understand that they have the same privilege there and they use it.

Q. And they voted just as they pleased?—A. They did vote just as they pleased.

Q. You may state if you have ever known of intimidation of employes by employers, during the last three years, anywhere in the State?—A. I have not known of any; and the last election especially was considered perfectly quiet. I know that I heard it remarked by more than one that it had been an unusually quiet election; that there had been less noise, less argument, or anything of that kind, than formerly.

Q. I had acquired the impression, from the testimony, that you were the champion bulldozer of the town. You will excuse me for having applied the term to you?—A. Certainly.

By Mr. PLATT:

Q. Was there anything like a pressure brought by you or by anybody in behalf of the employers upon the workmen to control their votes?—A. No; not at all.

By the CHAIRMAN:

Q. Were you at the polls all day?—A. I was, with the exception of an hour, perhaps, when I went to dinner.

Q. What time was that?—A. Between eleven and twelve o'clock.

Q. You were the selectman of the town?—A. I was.

Q. You were chosen by the voters of the town?—A. Yes, sir.

Q. How long have you been such?—A. Only one year.

Q. When were you chosen?—A. In April, 1878.

Q. You have been in the habit of being at elections. You were there in 1876 and 1877?—A. Yes, sir.

Q. You were active as a politician in 1876?—A. No, sir, never; not specially active.

Q. You were a Republican then?—A. Yes, sir.

Q. You never attempted to distribute tickets?—A. I don't recollect. I might have done that.

Q. You do discuss politics?—A. Very little; to a very limited extent.

Q. You do talk politics with your hands, and did last fall?—A. I did last fall.

Q. They understood you that you were for Talbot?—A. Yes, sir.

Q. You told them you thought it would not do to have Butler or his policy?—A. I did, if I made any remark. I am a Republican.

Q. If you talked at all, you told them it would not do to have his ideas succeed?—A. Yes, sir.

Q. You say that two-thirds of the voters are Democrats?—A. Yes, sir.

Q. About how many voted for Butler last year?—A. I don't know.

Q. There was a Republican gain last year over the ordinary vote?—A. I think there was.

Q. You were in charge of the ballot-box, and Mr. Fletcher was outside getting voters?—A. Mr. Fletcher, I think, drove a team at that time from the north village down, getting voters.

Q. Mr. Lavaree did the same?—A. I think he did. I think he was on the rallying committee.

Q. Where was he?—A. He was in the east village. I don't recollect seeing him in the hall at the time.

Q. You gentlemen are all Republicans, and all pretty active?—A. Yes, sir.

Q. All of you talked to your employes?—A. I don't know anything about that. I know my own.

Q. They were all for Talbot, were they not?—A. I don't know that they were.

Q. So far as you know, these leading gentlemen of the corporation were for Talbot?—A. I think they were for Talbot.

Q. There was no equivocation about their position?—A. I think they were all for Talbot.

Q. Do you think that one-half of the employes of the corporation voted for Talbot last year?—A. I think they did.

Q. Do you think that one-third of them did?—A. I think one-half did.

Q. Were the ballots there opened or sealed?—A. I think there were eight sealed envelopes in the box.

Q. Do you know who voted those?—A. I do not; I could not name one of them.

Q. Can you remember what was in them when they were opened?—A. I cannot.

Q. The eight were so much alike that you paid no attention to any one of them?—A. We did not pay attention to them. I did not specially when they were mentioned, opened, and counted.

Q. How many votes were polled there?—A. We polled some seven hundred votes.

Q. Out of those seven hundred there were eight that were in envelopes?—A. Yes, sir.

Q. Now you want me to believe—I suppose, of course, it is true—that you paid no attention to those eight envelopes?—A. I do not recollect whether they were Butler votes or Talbot votes.

Q. A Massachusetts man ordinarily has more curiosity than that?—A. Perhaps I might have known at the time, but I do not recollect.

Q. You did not pay any attention to them as they went in?—A. The sealed envelopes? Not any more than I gave to an open ticket.

Q. Were the open ballots folded at all?—A. Some of the voters put them in doubled up.

Q. As a rule, were they folded?—A. No, sir.

Q. When they were put in, could the selectmen see the character of the ballot?—A. They could; they could tell by the different color.

Q. You could distinguish the ticket which a man was voting?—A. I could.

Q. Mr. Shumway, the selectman, and you, the superintendent of this establishment, could see the men vote?—A. Yes, sir.

Q. You did not make it your business to see how they voted?—A. No, sir.

By Mr. BLAIR:

Q. No shot-guns were used there at all that day?—A. I did not see any.

THOMAS D. SHUMWAY sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. In the town of Plymouth, Plymouth County.

Q. Were you active at or connected with election matters in that town in October and November, 1878?—A. Somewhat.

Q. State the condition of the registration, the circumstances under which it was perfected, together with any ease or difficulty attending it, and the general conduct of the election in that town, last year.—A. In the first place, we had a decision from the board of selectmen that those persons who were born of persons unnaturalized could not be citizens of the United States, and therefore could not register as voters. This was made to operate very injuriously, because most of those who had come of age were young men who were going to vote for General Butler. It so completely demoralized them that some of them said they would not have anything more to do with it. I endeavored to persuade them to hold on. The first intimation I had of it was this: A young man came to me and asked me if I did not suppose that a man born within two rods of Plymouth Rock was a citizen of the United States. I said I had no doubt of it. He said that they had refused to register him, although he was born there, because his father had not been naturalized. I told him I supposed somebody was playing a joke upon him, and he replied that it was a serious matter. I went before the board of selectmen, and found that they had made that decision. I endeavored to argue the case with them, but they said the decision was final; that no one who was born of unnaturalized citizens could be a citizen unless himself naturalized, and that they would not allow any such to register. Some of the men who had been refused on this ground went once or twice to the town-house, and then said they would give it up and wouldn't have any more to do with it. One or two persisted in maintaining what they supposed to be their rights, and finally succeeded. I will state that this decision was made about ten days before the election, I think (the first knowledge I had of it was at that time), and that on the night before the election (Monday evening), at ten o'clock (the polls being opened on Tuesday), the decision was reversed, I understood. The polls opened on Tuesday at a quarter of nine o'clock, and the law is, I think, that after the polls have opened no man shall be allowed to register.

Q. They reversed the decision on the night before?—A. I understood that it was reversed on Monday evening. I was not there. I did not take any further interest in the matter at that time. Previous to that I had come to Boston and got an opinion from the clerk of the district

court, in the building in which the committee now sit, that he considered a decision such as that a frivolous one.

Q. State, if you can, the number of persons who, on that ground, were refused the right to register.—A. I cannot state the number at all. It was a thing that came upon me very suddenly, and at a time when my experience in politics was very limited. As it was my first experience in political affairs, I failed to take the names of those persons. I know of only two who were registered, and do not know of those who were not. I understood that there were some ten or a dozen who were refused registration, but that I do not know positively anything about; that is merely hearsay with me. Another case that I do know of was that of a man who, notwithstanding that he had been born in the neighboring town, went and got naturalized. His name is Alexander Morrison. [Producing the naturalization paper of Morrison, which is appended to this testimony.] This is his naturalization paper. He was born in the neighboring town of Sandwich.

Q. You say that, from what you heard, there were ten or a dozen of this class of persons who were deprived of votes?—A. I think there were as many as half a dozen. I did not take the names, and have no actual knowledge of the precise number. I would say that the whole management of the campaign there, so far as the opposition was concerned, was crude, was not systematized.

By Mr. McDONALD :

Q. Was it at Plymouth Rock where this occurred?—A. One of the men was born within two rods of Plymouth Rock.

By the CHAIRMAN :

Q. State the politics of the selectmen in Plymouth.—A. Four of them were Republicans and one was a Democrat, that is, an Abbott Democrat. The board was practically a unit in the last campaign. It was composed of five members.

Q. Do you know Albert Hedge?—A. Yes, sir.

Q. What do you know of his case?—A. I don't know anything from my own knowledge, and only from what has been told me.

Q. Did he tell you of it?—A. He did not.

Q. Do you know about John O'Connell's case?—A. Only from what he told me himself.

Q. What did he tell you?—A. He told me on, I think, the day after the election that he had gone out to the town-house on the night before the election to pay his poll-tax; that Mr. Bradford, one of the selectmen, looked on the list and told him his name had been stricken off; (I am not sure whether he said that Bradford looked for his name on the list or told him this without looking;) that he asked Mr. Bradford on what ground it had been stricken off, and that Mr. Bradford told him that his father had not been naturalized. I will not be sure either whether it was that his father had not been naturalized or that he himself had not been naturalized. But O'Connell then told Mr. Bradford that he had been naturalized, and that he had voted in Plymouth the year before. Bradford told him to produce his naturalization papers, when O'Connell stated that they were in Rockland, where his father lived. Bradford told him that they had stricken his name from the list and that he could not register until he got his naturalization papers. O'Connell replied that he had voted the year before; that they must take his word for it, and swore that he had the papers; that they were in Rockland, and that it would be too late for him to get them in time

to vote before the polls closed. They refused to put his name upon the list.

Q. He was born in this country?—A. I do not know. He is here.

By Mr. PLATT:

Q. Of whom was the board of selectmen composed?—A. William H. Nelson, chairman; Henry Whiting, Lemuel Bradford, Charles B. Stoddard, and David Clark.

Q. Do you know them personally?—A. Yes, sir.

Q. What is Mr. Nelson's business?—A. He is a ship-owner and a dealer in fish; a merchant.

Q. Mr. Whitings?—A. I do not know that he has any business at present; he was formerly a hammer manufacturer, I think. He may be a farmer.

Q. Who was Mr. Bradford?—A. Mr. Bradford was at that time one of the selectmen, the town collector, and overseer of the poor.

By Mr. McDONALD:

Q. He was a handy man to have around?—A. Yes, sir.

By Mr. PLATT:

Q. Mr. Stoddard's business?—A. Treasurer for the Plymouth Iron Foundry.

Q. Mr. Clark's business?—A. I am not positive; I should say a farmer.

Q. They are reputable men, are they not?—A. Indeed they are.

Q. And you supposed they were honestly mistaken as to the law when they rendered their first decision? You did not suppose it was a corrupt decision?—A. At the time I thought they were not.

Q. You would hardly accuse them of having made a decision which they knew to be wrong?—A. Not by any manner of means, but I simply judge of them as I judge of myself.

Q. Do you know whether they had taken any advice from an attorney in the matter?—A. They told me that they had legal opinion. I told them I was not satisfied with that opinion, and that I should go to Boston to see if I could not get better; that is, an opinion that would satisfy me. I told them I knew nothing about it; that I was not a lawyer, but that the decision struck me as being, at least, a very strange one. I asked them if that precedent had been established for a long term of years, and they said it had never been.

Q. Do you know whose opinion it was that they took?—A. I think Mr. Nelson told me that he had the opinion of two lawyers in Plymouth. One was Mr. Davis and the other Mr. Lord. I think he told me so. I have heard since that they denied giving such an opinion.

Q. Mr. Davis is a somewhat prominent Democrat down there and judge of the district court?—A. Yes. He voted last fall, I think, for Mr. Talbot.

Q. He had formerly been a Democrat?—A. I think his politics have been Democratic since 1874.

Q. It is a little difficult to tell what people's politics are here in Massachusetts?—A. If you will allow me to explain, it was anything in opposition to the Greenbackers last fall. I happened to be one of that unfortunate class.

Q. They got the opinion, as you understood from them, of Mr. Davis and Mr. Lord?—A. I think Mr. Nelson told me so. He is here and can state that for himself.

Q. Did the opinion that you got in Boston have anything to do with reversing their decision?—A. I was going to remark, that on the evening on which I went to see these selectmen in regard to this young man (he and others were pressing me to get their names on the list), I told the selectmen that I was not satisfied with that decision and we had quite a heated or animated discussion for perhaps three-quarters of an hour, more or less, though good natured of course, and when they got through, they asked me to come in again. I told them I should not come near them again. I came to Boston and got an opinion from the clerk of the court. On Tuesday evening, I think, I returned home and went to the town-house, where I found Mr. Bradford and showed him the opinion. He took it and was going to put it in the drawer, remarking he would lay it before the full board. I knew that they did not meet until the next Saturday and therefore I told him I would keep it, that it was a matter in which these men were directly interested. I thought it would be entirely too late if not acted upon until the next Saturday.

Q. Did they not have a meeting before that day?—A. Practically they had a meeting every night. I considered it so, because, as the board was scattered, whatever Mr. Nelson said they generally agreed to in matters of this kind, as he was right in the center of the town.

Q. When Mr. Bradford said that he would lay it before the full board, you supposed that he meant at a meeting which would be held on Saturday?—A. On Saturday. Practically that was shelving it.

Q. Who were these two young men who you knew yourself were prevented from voting?—A. They were not prevented from voting, as the decision was finally reversed. One of them was registered because he had got naturalized, and, as to the other, I heard something like this (I will not be sure but that one of those young men told me this) that after I had come to Boston to get that decision from the clerk of the court, these young men, while looking further for opinions, had consulted the city solicitor of Boston (Mr. Stackpole, I think) in regard to it and that he had given them, not an opinion, but a promise of one; they were waiting for it. I think that at last they got some reply from him which was not satisfactory; that they finally sent to consult the attorney-general and that the opinion which they got from that officer was not satisfactory. But, as I have said, about ten o'clock on Monday evening, the decision was reversed. What I was going to say further was that on, I think, Friday evening this young man (Carr) came to me and told me he understood that one young man had been registered upon the assumption that the decision might be reversed. I told him he had better go up and demand that his name be put on if that was the case. He went up there and, I believe, they did allow him to register his name on the ground that the decision might be reversed by the attorney-general.

Q. Practically, do you not think that all who had been excluded by the board were admitted to the registry?—A. That I could not state.

Q. You cannot give us the name of any one who, in fact, was excluded?—A. All that I know of are the cases of these two young men, one of whom was born within two rods of Plymouth Rock and thought he was required to be naturalized.

[NOTE. The naturalization certificate of Morrison produced by the witness is as follows:]



## UNITED STATES OF AMERICA.

[Cut of Eagle.]

COMMONWEALTH OF MASSACHUSETTS,  
*Plymouth County, ss :**To all people to whom these presents shall come, greeting :*

Know ye that at a superior court, begun and holden at Plymouth, within and for the county of Plymouth, on the fourth Monday of October, in the year of our Lord one thousand eight hundred and seventy-eight, Alexander Morrison, of Plymouth, in the county of Plymouth and State of Massachusetts, born in the town of Sandwich, in the county of Barnstable, Massachusetts, having produced the evidence, and taken and subscribed the oath required by law, was admitted to become a citizen of the said United States, according to the acts of Congress in such case made and provided.

In testimony whereof I have herenunto set my hand and affixed the seal of said court at Plymouth, in said county, this first day of November, in the year of our Lord eighteen hundred and seventy-eight.

[SEAL OF COURT.]

WM. H. WHITMAN, Clerk.

W. H. NELSON sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. At Plymouth, Plymouth Co.

Q. What was your official position last year?—A. I was chairman of the selectmen.

Q. You were chairman of the board of selectmen having charge of the election and registration?—A. Yes, sir.

Q. Of how many was that board composed?—A. There were five members.

Q. State their politics.—A. Four were Republicans, one was a Democrat.

Q. State what action the board took on the subject of the registration of men of foreign parentage in Massachusetts, what the decision of the board was, how it was reversed and the facts concerning it.—A. The registration law was passed a year ago last winter, and went into effect, I think, at the November election of 1877. At that time, there was considerable feeling on both sides that under the new registration law everybody entitled to be registered should be registered. As there were some complications growing out of it, Mr. Davis, a Democratic lawyer of our town, wanted to instruct us in the matter and we asked him and a young Republican lawyer of that town to give us an opinion.

Q. As to who were entitled to registration?—A. Yes. That was in 1877, prior to the first election under the registration law. At that time, it was their opinion that men born of alien parents were not entitled to registration.

Q. Give the name of the other lawyer to whom you applied?—A. Arthur Lord. There was no conflict, I think, growing out of it during the election of 1877, but, in the fall of 1878, there were, of those who applied for registration, five or six, I think, who had been born of alien parents and whose parents had not been naturalized.

Q. Were they born within the State?—A. They were born within the State. We told them we did not think, from the opinions we had, that they were entitled to be registered, but that they took the nationality of their parents until they had declared their allegiance to the United States Government. That was the opinion that we entertained on both sides. We also told them that we would make such inquiry as would

satisfy us as to their right, and would give them sufficient time before the election to register if they were entitled to register. We consulted the clerk of our courts and Mr. Healey, of Boston. The opinion of those gentlemen coincided with that of the other two lawyers who had given us their opinion.

Q. Is Mr. Healey a lawyer?—A. Mr. Healey is the city solicitor of Boston. The opposition, I think, consulted General Butler when he spoke at our place, who very frankly gave his opinion that the men were entitled to registration and entitled to vote, and his adherents pressed upon us to accept his decision. I thought that, as he was an interested party, we had better get somebody else, so we applied to the attorney-general for his opinion.

Q. When was that?—A. That was last fall, prior to the election. The attorney-general, being very busy at the time, could not spend time to look into the matter. I think that Mr. Shumway came up here and got the opinion of the clerk of the court. We afterwards consulted with some others in regard to it and found that it was the practice in Boston and in some other places to register such persons. We then decided to give those persons the benefit of the doubt and allow them to register.

Q. When was that decision made public?—A. That decision was made public on the Saturday afternoon or Monday afternoon prior to the election. I think that we held sessions on the afternoons of Saturday and Monday, and that we reached that decision in the course of the afternoon on Monday or Saturday.

Q. How many of the class of persons referred to, who had not registered prior to that time, did register after that decision became public?—A. As far as my recollection goes, all those who had been applying for registration then registered.

Q. Can you give the number?—A. I cannot recollect the precise number; I think there might have been six or eight.

Q. Was there any desire or request on the part of any of the board that those men should be naturalized before being entitled to registration; was that what the board held?—A. I think we held upon the opinion we had received from the lawyers, that they would be required to be naturalized before they could vote. I am not sure that we said to any of those so applying that they would be required to be registered. I do not recollect on that point.

By Mr. PLATT:

Q. In all this matter did you mean to act in good faith and fairly?—

A. I did.

Q. Who is Mr. Davis?—A. He is a lawyer.

Q. Of what age?—A. About sixty years of age, I judge.

Q. Does he hold any official position?—A. He is now judge there in the State court.

Q. He was a man in whose opinion as a lawyer you had confidence?—A. Yes, sir; he is considered to be a very good lawyer.

Q. I understand that you had acted upon that opinion in 1877 and that no fault had been found with or objection made to it?—A. Yes, sir. no objection had been made to it. I do not know that any cases came up that year of persons born of alien parents applying for registration, but we should have so acted under that opinion if any such had applied.

Q. The registration law was a new thing?—A. Yes, sir; we required all citizens of foreign birth to show their naturalization papers before being registered. Before that, a great many who had been on the list had

voted without producing proof of naturalization. When they came to register, we required them to show their naturalization papers.

Q. Was there division or unanimity in the board of selectmen on that point?—A. We were unanimous.

Q. You are not a lawyer, and there was no lawyer on the board?—A. No, sir.

Q. And in a matter which you supposed was one involving a purely legal question you took the advice of a lawyer in whom you had confidence?—A. Yes, sir.

Q. Mr. Davis had been a Democratic candidate for Congress in that district?—A. I think he had.

By Mr. McDONALD :

Q. Was the application which was made to Mr. Davis for an opinion made by you?—A. I think he came in of his own accord when we opened or were about to open the registration list, and suggested to us that we should be very particular and not let any names get upon the registry list that were not entitled to be there.

By Mr. PLATT :

Q. When was that?—A. It was in 1877.

By Mr. McDONALD :

Q. Was not the opinion that he gave you this, that persons of foreign birth coming to this country under eighteen years of age would have to be naturalized, unless their fathers were naturalized?—A. I think not.

Q. I understand that he dissents from that which you have intimated as his opinion?—A. If I had known that I was to be summoned here this morning, I think I could have brought with me the decision given by him in writing.

Q. Do you say that the opinion which he gave was that, unless their parents were naturalized, persons of foreign parentage born in this country, were required to be naturalized to entitle themselves to citizenship?—A. I think so. I think that the opinion was that persons born of alien parents, whose parents had not at the time taken out papers, were required to be naturalized.

Q. It was not that minors coming to this country under eighteen years of age must be naturalized unless their parents were naturalized?—A. No; I do not think that that was the opinion he gave.

Q. Did the city solicitor of Boston give you an opinion?—A. The clerk of our courts went to him, and got his opinion verbally, as I have stated.

Q. You say you think that the opinion which you got was not that persons coming into this country under the age of eighteen years, would have to be naturalized, unless their parents were naturalized?—A. It was not, because the very question we were considering was their having been born in this country of alien parents.

Q. You thought that they took the nationality of their parents, until they themselves had renounced allegiance to every foreign potentate and sovereignty, particularly to that sovereignty under which their parents, not they, were born?—A. Yes, sir.

Q. As to persons coming into this country as agents or representatives of foreign nations, and being here domiciled as agents of their own country, your rule would apply; so, also, as to persons going from the United States on official business or traveling in foreign countries. But did you understand that that rule applied to the children of persons who had settled here, lived here for many years, died here, and

who for some reason or other had not taken out naturalization papers ?  
—A. I supposed that the children acquired the allegiance of their parents until they forswore allegiance to any foreign government.

Q. And that they were liable to do military duty abroad ?—A. Yes, sir ; I thought that they would be liable to do military duty abroad.

By the CHAIRMAN :

Q. The selectmen did not get a written opinion ?—A. No, sir.

Q. You applied in 1878 to the city solicitor, who did not give you a written opinion, but confirmed verbally the opinion that you had got the year before ?—A. Yes, sir.

Q. How did Mr. Davis vote in 1878 ?—A. I cannot say how he did vote, whether he went for or against General Butler. I have heard him talk both ways.

By Mr. McDONALD :

Q. He has been elected judge since he gave that opinion, has he ?—A. No ; prior to that.

By Mr. PLATT :

Q. (Referring to the naturalization certificate of Morrison appended to the testimony of the preceding witness.) This paper states that the man was naturalized on the fourth Monday of October, 1878, before the judge of the superior court. Do you know who was the judge of the superior court on that day ?—A. I cannot now recollect his name.

Q. Do you know anything personally about this matter ?—A. About the naturalization ? I do not.

Q. You do not know whether the judge of that court took the same view of that matter that had been taken by Mr. Davis and the city solicitor ?—A. I do not.

Q. It appears, as shown by this paper, that the judge naturalized a man who had been born in this country ?—A. I presume that he did.

Q. Do you know whether Mr. Morrison registered when he got this paper ?—A. I think that he did.

Q. He was denied registration until he got it ?—A. I don't know of his having applied for registration until he got the paper.

ANDREW CARE sworn and examined.

By the CHAIRMAN :

Question. Where do you live ?—Answer. In Plymouth, Plymouth County, Mass.

Q. Did you live there last fall ?—A. Yes, sir.

Q. Where were you born ?—A. I was born in Plymouth.

Q. What are the facts about your being registered last year ?—A. I went to Mr. Lemuel Bradford and told him that I wished to have my name on the list. He asked me, "Are you naturalized ?" I replied, "No, sir." He asked me, "Was your father ?" I replied, "No, sir ; but I was born in this country." "That don't make any difference," he said, "you have got to be naturalized." I told him I would not be naturalized, and then went out. I met my oldest brother and told him that Mr. Bradford said we would have to be naturalized. After that, my brother and I met Mr. Robbins in the Greenback headquarters and informed him of this, when he told me to come over on Monday night. I went over on Monday night, and went up to see Mr. Bradford again, who then said

that he could not put my name on, as I was not naturalized. Mr. Robbins said that he should put it on. We didn't at that time make any further talk, but went out. On Tuesday night I went up with Mr. Shumway, who told Mr. Bradford (Mr. Nelson being present) that he was going to Boston on the morning train and would get a letter from, I think he said, the district attorney. We went back there again on Tuesday night, when Mr. Bradford said he wouldn't put it on. We went again on Thursday night and told him he must put it on, when he said they were going to hold a meeting on Saturday and they would see about it. I told him I wasn't coming there again. Mr. Robbins then said, "We demand that the name be put on, and if it is not, we will make a case of it." On the night before the election I went there and found that my name was upon the registry. They had told me, on the Saturday before, that they wouldn't put it on, but on Monday it was on.

Q. At what time on Monday was it upon the list?—A. I couldn't say.

Q. Did you vote?—A. I did.

Q. Had you ever voted before?—A. No, sir.

Q. Where were you born?—A. At Plymouth.

Q. Have you lived there all your life?—A. Yes, sir.

Q. Is your father living?—A. He is dead.

Q. How long did he live after you were born?—A. He died about eight years ago.

Q. He had never been a voter?—A. He had never been a voter.

Q. Where was he born?—A. In Ireland.

Q. How long had he lived in this country when he died?—A. Somewhere about twenty years, I think.

Q. Were you ever present when the full board of selectmen were present?—A. No, sir; I never saw there, I think, more than three of them.

Q. When were you there first?—A. On the second Saturday before the election.

Q. How many times were you there to get your name put on the list?—A. Three or four.

Q. You were denied registration each time?—A. Yes, sir.

By Mr. McDONALD:

Q. Your father lived for about twenty years after settling in this country, and died here?—A. Yes, sir.

By the CHAIRMAN:

Q. How far is it from where you were born to Plymouth Rock?—A. I don't know; I live a little way this side of it.

Q. You are not the man who lives within two rods of Plymouth Rock?—A. You might say that the distance was about that. I live about two miles from it.

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ALEXANDER MORRISON sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. At Plymouth.

Q. Where were you born?—A. Close by Sandwich.

Q. Are Plymouth and Sandwich in the same county?—A. No, sir; Plymouth is in Plymouth County and Sandwich is in Barnstable County.

Q. State the circumstances under which you made application for registration, why you got naturalized, and whether that which is now shown you is your naturalization paper.—A. I went to the selectmen on

the same night that Mr. Carr went to them. That was Saturday night. Mr. Bradford, one of the selectmen, asked me why my name was not on the list and if I had paid my taxes. I told him that I had paid them. He asked me if I was naturalized. I told him I was not; that I was born in this country. He then asked me if my father was naturalized, and I replied that my father was not. He said he didn't see how I could vote, for the reason that my father was not naturalized, but that he would carry the matter before the selectmen at the meeting on Saturday of the next week. I went there shortly afterwards, when he told me that I should not vote because my father was not naturalized.

Q. It was after the meeting of the board when Bradford told you this, that you could not vote?—A. Yes, sir.

Q. What then?—A. Then I let it go.

Q. Did you not get naturalized subsequently?—A. Yes, sir.

Q. How did that happen?—A. Shortly after that Mr. Hedge, the constable, came to me—it was before the election, though I don't know how long before—and told me I had better go in that morning and get my naturalization papers; that it would probably be my last chance before the election. I then went in and got my papers out.

Q. Before whom did you go?—A. Before Mr. Lord.

Q. Was there a judge on the bench?—A. There was a judge on the bench. I don't know who he was.

Q. Was it Mr. Lord who was clerk of the court?—A. I don't know.

Q. Was it in Plymouth?—A. It was in Plymouth.

Q. Did you have to produce witnesses there?—A. Yes, sir; Mr. Hedge and a young gentleman.

Q. You were sworn, were you?—A. They swore that they had known me ten years.

Q. Did you take an oath that you would bear true allegiance to the country?—A. Yes, sir.

Q. And that you had renounced your allegiance to the Queen of Great Britain?—A. Yes, sir.

Q. That was regularly administered to you before you got your paper?—A. Yes, sir.

Q. Then the clerk made out the paper which is here?—A. Yes, sir.

Q. What did you do afterwards with the paper?—A. I took it home.

Q. Did you go afterwards to the registrars with it?—A. I went with it to the registrars on the next morning. Mr. Hedge went with me.

Q. Mr. Hedge was the constable, and went before the registrars?—A. Yes, sir.

Q. What did they do then?—A. They put my name on the registry.

Q. Did Mr. Hedge tell them you had been naturalized?—A. I believe he did.

Q. Was that the reason you went back there that morning to get upon the list, after having been naturalized?—A. Yes, sir.

Q. Was it the same morning on which you had been naturalized?—A. The same morning.

Q. This paper reads "The fourth Monday of October"; therefore the day was the Monday a week before the election?—A. Yes, sir.

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F. W. ROBBINS sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. At Plymouth.

Q. What do you know about this subject of registration?—A. I know

that I went in with Andrew Carr to get his name upon the list, and that the selectmen refused to register his name, on the ground that he was not naturalized and that his father had not been naturalized. They told me they were going to get legal advice upon it, and wished to send to Boston and get an answer from there. I went in with Carr several times. Each time I went in I was put off with the excuse that they hadn't got an answer from Boston, and could not make a decision until they did get an answer. I told them finally that I wanted to make a test case of it; that if they did not register the name a prosecution would be brought against the selectmen because of their refusal to do so. On the first Monday before the election I went in, when they said they had decided to register the name, or that Carr might write his name, and when they had decided to register his name they would put it on. John King, who had been refused registration, also wrote his name. On the Monday evening before the election I went in and found that they had registered Carr's name. There were others similarly situated—quite a number of them—who wanted to register and were refused on the same ground, and who went repeatedly to endeavor to have their names put on, but finally tired and gave up the effort.

Q. How many of that number do you say were not registered?—A. I should say there were eleven or a dozen.

Q. Those were men who were deprived of their votes for that reason?—A. Yes. I know there were at least half a dozen, and I should think there were more. I know that quite a number came to me.

Q. Do you know of instances in which the names of persons were struck off the list?—A. Yes, sir; Albert Hedge had been a resident of Plymouth, and had moved out of the place about a fortnight or a week before the election. He was told that if he moved away he would lose his vote. He said he could not help it and was going to leave. I went in the town-house and saw that his name was not upon the list at the last moment. In the course of the forenoon of election-day I saw Mr. Hedge coming up to vote; I challenged his vote. He was asked where his family were, and replied that they were in Plymouth. I asked him how long they had been there. He said, "It is none of your business." The selectmen did not compel him to answer properly. I learned afterward that he had taken up his residence in Boston, and that his family were in that city. The selectmen took his name and allowed him to vote. He wrote his name on his ballot.

Q. For whom did he vote?—A. For Talbot, I presume. He is a Republican and is known as such. He is in the custom-house in Boston.

Q. He is in the custom-house now?—A. The last that I knew of him he was.

By Mr. PLATT:

Q. Do you know that his family were not actually in Plymouth that day?—A. I was told at the time after they let him vote that his family came with him that morning on the train from Boston.

Q. It was he who made the reply, "It is none of your business"?—A. Yes, sir.

Q. Did you pursue the inquiry further after he made the reply?—A. I dropped it then. I saw there was a determination to have his name go on the list.

By Mr. McDONALD:

Q. Do you know who was the judge who naturalized this native-born citizen, Mr. Morrison?—A. I knew the judge at the time. It was Judge

Pitman, I think. He has been a judge for many years. I know that he had some naturalization papers before him at that term of court.

Q. Is he a Republican?—A. He is. When this Morrison asked him for naturalization papers, the question was raised about Morrison's residence. The judge said it made no difference; that the man had made application for naturalization and it would do no harm to give it to him. I heard of this. I was not in court.

By Mr. PLATT :

Q. As you were informed, Mr. Hedge's family were actually in Plymouth on the day he voted?—A. They came that morning on the train with him.

Q. What evidence have you that he had permanently removed from Plymouth?—A. I understood then that within a week he had moved his furniture away and was then keeping house in Boston, and because he told Mr. Bradford that he couldn't help it if he did lose his vote.

Q. Do you say that he moved within a week before the election?—A. Yes, sir. Mr. Bradford also told me that Hedge's name had been stricken from the list by a vote of the selectmen.

By Mr. BLAIR :

Q. Was his residence, prior to that time, in Plymouth?—A. It had been for some years. He was born there.

Q. Did you say that he had removed to Boston for the purposes of his business?—A. He had changed it to Boston, and he so notified the selectmen prior to the election.

Q. Are you sure that that was the notice that he gave to the selectmen?—A. Mr. Bradford told me the conversation that he had had with him at the time.

Q. Yet he was allowed to vote. He must have retained his residence in order to vote.—A. Mr. Nelson allowed him to vote.

Q. It must have been on the ground that the selectmen considered Plymouth to be his home.—A. I am not aware on what ground they put it.

Q. You are aware that government employes do not lose their residences by having removed simply to where the government needs them for the time being?—A. I am.

Q. It must have been upon that principle that he retained his residence?—A. I don't know of any other.

Q. Did you challenge this man at the polls?—A. I did.

Q. Was Mr. Nelson the selectman who presided?—A. He was presiding.

Q. Did Mr. Nelson put any questions to the man as to where he was residing?—A. He merely asked him the question where he was residing.

Q. Where did the man say that his family were?—A. In Plymouth.

Q. Then the selectman had good reason to suppose that his family had remained in Plymouth?—A. I shouldn't think so.

Q. But he asked him at the time where they were, and the man said they were in Plymouth.—A. I supposed that Mr. Nelson was as well aware of the location of the man's family as I was.

Q. Do you understand that Mr. Nelson was aware that the man was giving a false answer?—A. I have not the least doubt of it.

Q. You mean, then, to charge Mr. Nelson with conspiring with this man to deposit a vote upon a false answer?—A. If that is conspiracy.

Q. That he knew the man had no right to vote, having no residence



there; that he unlawfully conspired to receive the vote by a wrongful decision, and so helped the man to vote?—A. Yes, sir.

Q. Did not the man answer, when asked where his family were, "in Plymouth"?—A. He did.

Q. Mr. Nelson did ask him where his household goods were?—A. No, sir.

Q. You are quite sure about that?—A. I do not remember of it.

Q. You will not be quite sure that he did not ask him that?—A. I don't think I heard a word said about his furniture.

Q. He put the ordinary and proper questions to the man to test whether he still had a home in that town or not?—A. I don't know what are proper questions.

Q. He asked him where his home was?—A. He simply asked him one question.

Q. And then allowed him to vote?—A. And then allowed him to vote.

Q. A majority of the board of selectmen was present?—A. Yes, sir; three selectmen. There was a majority at least present.

Q. Did the others make any objection to the man voting?—A. I heard none.

Q. Did the others think he was telling a falsehood?—A. I suppose so.

Q. You mean to charge the other selectmen as much as you do Mr. Nelson, do you?—A. I think they acquiesced in it.

Q. Where were the other two members of this board?—A. One was at the check-list.

Q. Where was the other?—A. Mr. Bradford was in the town office.

Q. What was he doing?—A. Collecting taxes. That was his business.

Q. There were four of them, then, who participated in this crime besides the voter himself?—A. Yes, sir.

By Mr. PLATT:

Q. You thought that the man voted illegally, did you not?—A. I did.

Q. Why did you not prosecute him for it?—A. I didn't feel called on to do it myself. I did what I could to have him prosecuted.

Q. Did you make complaint to the prosecuting officers?—A. No, sir.

Q. What did you do toward having him prosecuted?—A. I sent word to General McDavitt that I thought the man ought to be prosecuted.

Q. That was to this gentleman who sits here?—A. Yes, sir.

The WITNESS. (After a pause.) Captain Kelly was attempting to register.

By the CHAIRMAN:

Q. State the facts in regard to that.—A. He had been a sea captain in Plymouth for ten or twelve years. It was supposed that he was a voter. He demanded registration, and they refused to give it to him, because he didn't exactly know the location of the house in which he was born. It was very near the line, and he didn't know whether it was in Nova Scotia or in Maine. He had always supposed it to be in Maine, but he did not know until he wrote to Maine and got a letter from the town clerk, saying that his father had always voted in Maine and was a naturalized citizen. That was at the very last moment before the registration closed. The registrars registered his name.

By Mr. PLATT:

Q. He finally voted?—A. He finally voted.

Q. They were pretty careful about registration down there last year?—A. They seem to have been this last year. They never were before.

PATRICK DEVINE, jr., sworn and examined.

By the CHAIRMAN :

Question. Where do you live?—Answer. In Kingstou, Plymouth County.

Q. Where did you live last November?—A. In Kingston.

Q. Tell us about your registration there.—A. Last fall I went up to Kingston to see Mr. Adams, one of the selectmen. It was on Saturday, the day of the last meeting that the board was to have prior to the voting on election day. Mr. Adams asked me to write my name, and I wrote it. He asked me to read the constitution, and I read it. In my reading I got to a long word, I spelled it, but did not pronounce the word. He said, "You cannot vote." I said, "I can vote, and I am going to vote for Butler." He said, "You won't vote; you can't read that." I read it again, got to this word, and stopped. He said, "I want you to explain that word to me; give me the meaning of it." I told him I couldn't. Then he went and told the other two men of the committee, when they voted upon it and postponed it. I went up there another day, and then Mr. Simpson brought me up to vote at the town house. Some twenty came up after me, and they took all their votes first. I sat down in a chair, and this Captain Bill Adams dared me out of it. I got up, waited, and sat down again, when he dared me out again. I sat there until it was about five minutes before the time, and then I sat down there and read it for them. He then said, "Well, I guess we'll let you vote." I replied, "I guess you'll have to." Adams said, "We'll have to let him vote." He didn't ask me to explain the constitution that time. I asked him, "Why didn't you ask me to explain the constitution?" I then went and voted. Charles Davis, of Plymouth, wrote a letter to the selectmen, but they did not take any notice of that at all. This Adams had gone around telling that I wasn't going to vote any way; that they were going to lose one man on Butler.

Q. You did vote?—A. I did vote. The first year that I went up they wouldn't take my taxes. I guess they had money enough then. That was in 1877.

Q. Why did they not take your taxes?—A. I don't know. It was a couundrum to me.

Q. Would they not let you register that time?—A. No. They said I was not going to vote.

Q. Are you an Irishman?—A. I am an American-born citizen with an Irish edge as you might say.

Q. Your father was an Irishman, was he?—A. Yes; to the backbone.

Q. The difficulty with you in both years was that you could not explain the constitution, was it?—A. Yes; they wanted me to explain it. Charlie Davis told me that there were plenty of men in Congress who couldn't explain the constitution.

Q. They finally let you vote because you could read it?—A. Yes, sir; they were very well satisfied.

By Mr. PLATT:

Q. Where were you born?—A. I was born in Plymouth, where the pilgrims landed. I have lived three years in Kingston, just over the line.

Q. Have you lived in the State all of your life?—A. All of my life.

By Mr. BLAIR:

Q. You were not intimidated, were you?—A. O, no.

JAMES DOUGHERTY sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. In Chelsea.

Q. Where were you employed last fall?—A. At Mr. McBirney's rubber mill.

Q. The mill of the Boston Elastic Fabric Company?—A. Yes, sir; that is the name of it.

Q. Do you know a man named Sullivan?—A. Yes, sir.

Q. Was he employed there?—A. Yes, sir.

Q. Do you know anything about a discussion between Sullivan and employes there on the day before the election; and, if so, what was it?—A. About three o'clock in the afternoon on the day before the election, he came in where I worked and told all hands that it was Mr. McBirney's wish that he should tell all the hands to vote for Mr. Talbot. This was Tom Sullivan.

Q. What business has Sullivan there?—A. He is working around the rubber works. He said it was against the interest of the company to vote for Mr. Butler.

Q. What did you do?—A. The next day (which was voting day) Mr. Bell, the foreman of the shop, shut up the shop at 12 o'clock, went to the polls and staid there all day distributing ballots for these men to vote, so that they would vote for Mr. Talbot. I went and voted before he came there, and voted for Mr. Butler. After that I had no place to work, he bossed me around and drove me around here and there; so I left.

Q. He changed his deportment toward you?—A. Yes, sir. Before that he never said anything to me, and found no fault with my work at all. After that I had to stop and leave the mill.

Q. You discharged yourself?—A. Yes, sir. I told him to give me time, that I didn't want to work there any longer, as he was all the time finding fault.

Q. When did you leave?—A. I left about the first of February.

Q. What were the politics of the most of the men who were in there?—A. The larger part of all who were at work were in favor of Mr. Butler.

Q. Do you know how they voted?—A. I do not.

By Mr. PLATT:

Q. How long had you been at work in the mill?—A. I worked six months before the election day in the mill and then worked two months after that.

Q. What were you doing in the mill?—A. I was working at making elastic belts.

Q. You left because he found so much fault with you; do you mean fault with your work?—A. Yes, with my work; before that he found no fault. He said he would take an easier way of bulldozing than some of them would; that he would find fault with the men's work, and discharge them on that account.

Q. Did he say that to you?—A. He said it so that I heard him.

Q. When was it that he said that?—A. It was about the time of the election.

Q. Where was it that he said it?—A. Right in the mill.

Q. What is Mr. Bell's first name?—A. James Bell.

Q. For what particular thing did he find fault with you?—A. Nothing in general, but found fault; jobbed me around, and said I had no brains.

Q. That made you angry, did it not?—A. It did; it made me so that I left him.

Q. The particular thing on which you left, then, was that he said you had no brains. You would not stand that, and left?—A. Yes, sir; I left because I couldn't work at all, and because I couldn't work to suit him.

Q. Mr. McBirney is dead, is he not?—A. Yes, sir.

FRANK MCGOVERN sworn and examined.

By the CHAIRMAN:

Q. Where were you in November, 1878?—A. I lived at Chelsea.

Q. What do you know about this case of Robert Gray?—A. I was down at Mr. Curry's stables with Mr. Dowd and a couple more gentlemen, on election day; Gray, the colored man, was going to the city hall, when Mr. Curry asked him, "Robert, where are you going." He replied, "To the city hall." Curry then asked, "Who are you going to vote for." Gray answered, "For Mr. Butler." Curry then said, "If you don't vote for Mr. Talbot, I don't want you in my employ any more."

Q. At what time on election day was that?—A. This was, I judge, about four o'clock in the afternoon.

Q. What did Gray say?—A. Gray said he was going down to the city hall anyhow.

Q. What began the conversation?—A. He and Mr. Dowd were going down to the city hall, and he asked Mr. Curry if he couldn't go off, when Mr. Curry asked him for whom he was going to vote.

Q. Curry was his employer?—A. Yes, sir.

By Mr. PLATT:

Q. What was Curry's business?—A. The oil business.

Q. What is his name?—A. Daniel Curry, I believe.

Q. Did Gray work in the mill or in the stable?—A. He was driving a team, I believe; I couldn't say certainly whether he was driving team or working in the mill. The talk occurred out near the stable.

Q. Was he not the hostler?—A. No; there was an hostler there besides Gray; though I couldn't say about that with certainty.

ROBERT GRAY (colored) sworn and examined:

By the CHAIRMAN:

Question. Where did you work in November, 1878?—Answer. For Daniel Curry, at Chelsea.

Q. How long have you been employed by Daniel Curry?—A. About thirteen years.

Q. State what occurred on election day about your going to the city hall. What was said?—A. Mr. Curry met me with Mr. Dowd and Mr. McGovern, in a buggy, and asked me where I was going. I told him, to the city hall. He asked me, "Are you going out this afternoon with the team?" I said "Yes." He drove on, stopped short, and said, "Who are you going to vote for?" I replied, "Mr. Butler." He said, "Look here, I have done a good deal for you, and if you vote for But-

ler I'll discharge you. You can vote for Morse, if you want to, but I want you to vote for Talbot."

Q. What did you reply?—A. I said nothing. I thought it was best.

Q. Did you go on, or get out of the buggy?—A. I went on.

Q. What did you do?—A. I voted for Mr. Butler, went back, and went to work. Mr. Curry got a telegram last night to appear here to-day, and so did I.

Q. What did he tell you this morning?—A. He told me he didn't want me any longer.

Q. Did he discharge you?—A. Yes, sir.

Q. You are not working for Mr. Curry any longer?—A. Not since half-past seven o'clock this morning.

Q. What reason did Mr. Curry give for discharging you?—A. He didn't say. He told me to take the team out to-day; that he didn't want me any longer.

Q. When you got the notice to come here, did Mr. Curry say anything to you about it?—A. No, sir.

Q. Did he know of it?—A. I don't know whether he knew of it then or not.

Q. When did Mr. Curry get to know that you were to come here?—A. Last night.

By Mr. PLATT:

Q. Where did you come from when you went to work for Mr. Curry?  
—A. I came from King's County, Nova Scotia.

Q. Did Mr. Curry bring you here?—A. No, sir.

Q. Have you worked for anybody else since you have been here?—A. I have.

Q. Whom else have you worked for?—A. I worked for Rufus S. Frost.

Q. But for most of the time you worked for Mr. Curry?—A. I have been here nineteen years.

Q. For thirteen years of that time you have worked for Mr. Curry?  
A. Yes, sir; it will be thirteen years in November.

Q. What is Mr. Curry's business?—A. He is a rosin oil manufacturer.

Q. Did you work in the factory?—A. No, sir; I drove team.

Q. The factory team, or a private team?—A. The factory team.

Q. Mr. Curry did not discharge you last fall for voting?—A. No, sir.

Q. Did he know that you voted for Butler?—A. I don't think he did.

Q. Who were these men who were in the wagon with you?—A. Mr. Dowd, who was one of the committee of the Greenback party.

Q. Who was the other man, McGovern?—A. He was going down in the buggy with Mr. Dowd, to vote.

Q. Is Mr. Curry a passionate man?—A. Yes, sir.

Q. Did he seem to be angry?—A. He was at the time.

Q. Has he been angry with you at other times, for other things?—A. Yes, sir.

Q. Did he threaten to turn you out for other things?—A. No; he talked sharp at times, but nothing serious.

Q. When you left him, was it because you had left of your own accord, or because he discharged you?—A. He discharged me.

Q. Did you go to work for him when you first came from Nova Scotia?  
—A. I said I had been here nineteen years. If I had continued with him it would have been thirteen years next November that I had worked

for him steadily. You asked me if I had worked for anybody else, and I told you I had.

Q. You do not feel very happy just at this moment, do you?—A. No, sir.

Q. You are disposed to get angry at this moment, are you not?—A. Not in the least.

Q. Had Mr. Curry ever discharged you before for anything?—A. No, sir.

Q. Had you ever left him?—A. No, sir.

Q. When did you get your dispatch yesterday?—A. About 10 o'clock last night.

Q. Did you say anything to Mr. Curry about it?—A. I did not.

Q. How did Mr. Curry find it out?—A. There were some gentlemen there yesterday afternoon in a buggy, and I was out with the team.

Q. How do you know that Mr. Curry got a dispatch?—A. Because the man who brought the dispatch for me had one for him, and said he was going down with it then.

Q. Did you tell Mr. Curry that they had come for you?—A. I did not.

Q. Do you know yourself that he knew you were coming here last night or this morning?—A. No, sir.

Q. Did you have any words with him this morning?—A. No, sir.

Q. Did you tell him you were coming to Boston?—A. No, sir.

Q. He told you this morning that he did not want you any longer?—A. That he did not want me any longer.

Q. Did he give you any reason for it?—A. He did not.

Q. Was any one present when he told you so?—A. Yes, sir; there were several.

Q. Who?—A. Men who worked in the stable.

Q. Give the names of some.—A. A man by the name of Herbert Collyer was present, and also Lewis Curry, a brother of Mr. Curry's.

Q. It was at the stable, was it?—A. It was at the stable.

Q. Have you given the names of all who were present?—A. I did not.

Q. Give the names of others you remember to have been present.—A. There is a man in the room here who was present at the time.

Q. Do you know his name?—A. Peter Cohen.

Q. Was Mr. Curry angry, apparently?—A. He did not seem to me to be.

Q. Were you angry?—A. No, sir.

Q. Did he ever say anything to you after the election in 1878 as to how you had voted?—A. No, sir; he never asked me.

Q. And he never said anything about discharging you after you came back from the election?—A. No, sir.

By Mr. BLAIR:

Q. After Mr. Curry made this remark to you last fall, as you were going to the polls, you made him no reply, I think you said?—A. No, sir.

Q. You went right along and voted for Mr. Butler?—A. Yes, sir.

Q. I understood you to say that you thought Curry never knew how you voted?—A. No, sir.

Q. Do you think he supposed that you voted for Butler, or that he supposed you voted for Talbot?—A. I think he supposed I voted for Talbot, because I always voted that way.

Q. You had always voted the Republican ticket before?—A. Yes, sir.

Q. Had you had any conversation with him in regard to it?—A. No, sir; he never said a word before that day.

Q. And never since in regard to it?—A. No, sir.

Q. You continued right along in your work until this morning?—A. Until this morning.

Q. Where were you and Mr. Curry when the conversation took place to-day?—A. At the stable.

Q. How far is that from the house?—A. Three-quarters of a mile.

Q. Did any one come there with Mr. Curry this morning?—A. No, sir.

[NOTE.—Peter Cohen was here called, but no response was made.]

ALANSON W. BEARD sworn and examined.

By the CHAIRMAN:

Question. Are you the collector of the port of Boston?—Answer. Yes, sir.

Q. How long have you been such?—A. Since April 1, 1878.

Q. You were notified by subpoena *duces tecum* to produce a list of those who had been discharged from your office since April, 1878; have you prepared such a list?

Mr. PLATT. Mr. Chairman, it does not seem to me that the resolution under which we act authorizes us to go into this matter, which is one, according to my understanding, that is specially within the province of another committee—the one on civil service reform—and I can remember nothing in the resolution which, even by implication, would permit this line of inquiry. If I remember the clause in the resolution, it refers to persons “employed,” and, as I suppose, employed in the ordinary occupations of life.

The CHAIRMAN. The words of the resolution are as follows: “The committee shall also inquire whether any citizen of any State has been dismissed or threatened with dismissal from employment, or deprivation of any right or privilege, by reason of his vote or intention to vote at the recent elections, or has been otherwise interfered with.”

Mr. PLATT. That manifestly does not refer to removals and appointments in the custom-house.

Mr. BLAIR. Is the inquiry predicated upon the assumption that men have been dismissed from employment in the custom-house by reason of the way in which they exercised the suffrage?

The CHAIRMAN. The purpose of the inquiry is to show the number of removals from the custom-house since the advent of Mr. Beard there, and that the removals were for political preferences.

Mr. BLAIR. If, as a foundation for the inquiry, the question could be put to the collector whether any man has been discharged, or any intimidation, threats, or undue influences have been brought to bear upon any employé in the custom-house to influence his vote, by himself or his subordinates, to his knowledge, and he should answer in the affirmative, it seems to me there might then be some ground for the inquiry; but unless the foundation for such an inquiry is laid, I think that we certainly ought not to go into it.

Mr. PLATT. Changes have been made in the New York custom-house

since the advent of the present collector there, but I apprehend it would not be our province to make inquiries into that matter. Then, too, there were alleged discharges in the custom-house at Providence, but we held that those were outside of our inquiry.

Mr. McDONALD. We did not contemplate going into the matter of those discharges, because a memorial bearing on the subject had been referred to another committee.

Mr. PLATT. No special authority to extend the inquiry as is here proposed has been given to this committee, and that fact ought to be taken into consideration in determining the scope of the authority given to this committee under the clause of the resolution. It is readily apparent that if a list of the removals from and appointments in the custom-house is to be submitted to this committee, it will be necessary for one side or the other to investigate the case of each person inquired about. This may bear harshly upon the individuals themselves, as there may have been varying degrees of efficiency, or possibly some little matters which we ought really not to bring out against those individuals, which were the causes of the removals. Regarding this as entirely outside of the scope of this investigation, I must object to it.

Mr. McDONALD. In the case of the custom-house in Rhode Island, the fact is that the memorial, signed by soldiers, claiming that the civil-service regulation and the laws of Congress in enforcement of it had been violated by the displacement of soldiers and the substitution of civilians, was referred, not to a committee specially raised to make that investigation, but to the standing Committee on Civil Service and Retrenchment. In view of that fact, witnesses were not presented in regard to it, nor was the subject of those removals in any way considered or raised by this committee when in Rhode Island. The disposition which was made of that memorial did not in any manner serve to construe or restrict the resolution under which this committee is acting. The direction of our inquiry, as set forth in the language of the resolution, is as to whether any citizen in any State has been interfered with in his right to vote or has suffered any deprivation on account of his voting or expressing any intention to vote. Whether such interference or deprivation has been through the agency of a government official or superintendent of a government establishment or through that of a man employing but one person to do work for him, it seems to me, is of no consequence except in so far as concerns the expenditure of time required to be expended in the investigation.

Mr. PLATT. I think that the view that has been taken by this committee of the clause of the resolution is entirely consistent with the theory that the clause has reference to intimidation by employers of employes as distinguished from dismissals by office-holders or officials. [After reading the clause.] I think that it is apparent that such is the meaning of it. Though the committee has taken an immense amount of testimony, it has not been claimed, up to this moment, that we had anything to do with dismissals for political reasons in custom-houses or other government institutions. It might with equal propriety be claimed that we could go into the Senate Chamber, or into any other branch of the executive department of the government, and inquire whether dismissals have been made there for political reasons.

The CHAIRMAN. The words of that clause of the resolution are certainly very broad: "The committee shall also inquire whether any citizen of any State." That includes office-holders, and most certainly those who are in Federal employ. "Has been dismissed or threatened with dis-



missal from employment." A clerk in the custom-house is certainly in "employment,"—"or deprivation of any right or privilege by reason of his vote or intention to vote," etc., "or has been otherwise interfered with." The committee distinctly met this question in calling Michael Kilduff and Michael Daily, who were employed upon the post-office building in the city of Boston, both of whom testified that they were dismissed from employment by reason of their votes. Is there a distinction between a man working in Federal employ as a day-laborer on a public building and one who is employed in the custom-house by the year on a salary?

Mr. PLATT. There is certainly this distinction, Mr. Chairman: The men who were at work on the post-office building were mere laborers, employed by and at work for a contractor (Mr. Brown) by whom the work there was being done and whose relation to them was identical with that of any other employer or any manufacturer to his employés. In the instance before us the men are not employés of a corporation or an individual, but are appointees of the executive department of the government. Indeed, I do not know that they can be removed by the collector without consultation with the head of the Treasury Department at Washington. I know that many of the collectors, when contemplating removals or appointments, do confer with the Treasury Department at Washington, and send there the reasons for such action as they propose shall be taken. It seems to me that the distinction is a very marked one.

The CHAIRMAN. So far as concerns any essential or practical reason why the committee should not make the inquiry, I can see none, if there is an opportunity for the persons charged to be heard here as well as before any other committee of the Senate. If there are dismissals or removals from the custom-house here for political reasons, the inquiry in regard to them, it seems to me, is one within the scope and province of this committee, and the fact itself one that should be known to the officials at Washington, and to the Senate; if there be none such, the truth cannot hurt the collector.

Mr. PLATT. I was speaking of it not on the collector's account, but on the committee's account.

Mr. BLAIR. I would not object to the collector's answering the question as to whether any removals that had been made were in any way connected with recent elections, reserving the right to object to a general investigation of the subject-matter. If the answer should happen to be that no such removals had been made, this discussion would seem to have been superfluous.

After further discussion, in which Mr. Blair referred to the necessity of economizing time, in view of the large amount of testimony remaining to be taken and the disposition to conclude the present investigation on the following day, the chairman ruled that the inquiry was within the line of the committee's investigation, and the examination proceeded.

By the CHAIRMAN:

Q. Mr. Collector, have you the list?—A. I would say, Mr. Chairman, in the first place, that the collector has neither the appointing nor the removing power, with respect to any officer in the custom-house; that the appointments are all by the Treasury Department, and the removals by the Treasury Department.

Q. Are they made upon the recommendation of the collector?—A. They are usually made upon the recommendation of the collector; not always.

Q. Has there been a single instance, since you have been collector, in

which your recommendation has been overruled?—A. Not in the matter of removal or appointment.

Q. That being the case, it seems to me that the production of your list is now in order.—A. I have not the slightest objection to the production of the list.

The previous discussion in the committee was here renewed, with the following conclusion :

The CHAIRMAN ruled that the testimony was admissible, and that the witness must answer.

Mr. PLATT objected.

The objection was overruled.

By the CHAIRMAN :

Q. Mr. Witness, you will please to produce the list.—A. (Producing the list.) That which I now hand to you is the list. I presume that it is correct. I asked the clerk to make it up, but have not had time to go over it.

Q. (After an inspection of the list.) The list contains, first, the names of those whose offices have been abolished; next, of those who have been removed, and, lastly, of those who have been appointed.—A. Yes, sir; offices abolished to the amount of nearly \$27,000.

Q. The list contains no specific statement of promotions to fill vacancies?—A. The list of promotions that have been within the force, in consequence of vacancies, is not there.

[NOTE.—The list here submitted is as follows :]

*Memorandum of appointments and removals from April 1, 1878, to July 15, 1879.*

OFFICES ABOLISHED.

April 30, 1878.—R. C. Nichols, acting deputy collector.  
 May 20.—C. C. Dunbar, clerk.  
 May 31.—F. H. Freeman, storekeeper.  
 July 8.—S. W. Pollard, clerk.  
 July 8.—C. S. Mixer, clerk.  
 July 13.—A. C. Pike, storekeeper.  
 July 31.—B. D. Hill, clerk.  
 August 1.—D. McGuire, storekeeper.  
 December 31.—M. O. Hall, clerk.  
 December 31.—C. W. Ryan, clerk.  
 December 31.—J. L. B. Pratt, clerk and storekeeper.  
 December 31.—H. H. Corney, store clerk and messenger.  
 February 28, 1879.—H. S. Jones, clerk.  
 March 31.—Hosea Eaton, inspector.  
 March 31.—J. M. Griswold, inspector.  
 March 31.—Robert Bower, inspector.  
 March 31.—Rodney Baxter, inspector.  
 March 31.—A. K. Russell, inspector.  
 June 1.—S. Sanborn, jr., clerk.  
 June 1.—A. G. Skinner, clerk.  
 June 1.—W. C. Ham, clerk.

REMOVALS.

May 20, 1878.—H. F. Stocker, inspector.  
 May 20.—J. B. Emerson, inspector.  
 May 20.—A. R. Stover, janitor.  
 May 20.—W. H. Bates, night inspector.  
 May 7.—E. K. McMichael, superintendent of warehouses.  
 May 31.—T. R. Dugan, messenger.  
 May 31.—C. A. Stetson, jr., storekeeper.  
 May 31.—Wm. Metcalf, night inspector.  
 May 31.—J. N. Wright, assistant weigher

June 5.—George Chapin, inspector.  
 June 10.—Henry Wait, night inspector.  
 July 31.—A. Sanborn, night inspector.  
 August 5.—C. C. Sewall, messenger.  
 October 19.—G. W. West, inspector.  
 November 4.—E. F. Wyman, night inspector.  
 December 11.—M. B. Lakeman, weigher.  
 December 14.—Robert Tarr, inspector.  
 December 31.—George J. Hinds, clerk.  
 January 24, 1879.—W. R. Riddle, night inspector.  
 January 31.—William Mooney, night inspector.  
 January 31.—A. G. Newell, clerk.  
 March 3.—J. W. Pearce, night inspector.  
 March 3.—Simeon Butterfield, clerk.  
 March 7.—J. W. Fletcher, clerk.  
 March 12.—J. H. Buckley, night inspector.  
 March 22.—H. A. Lander, inspector.  
 March 31.—W. D. Eldridge, inspector.  
 May 6.—Fred. G. Pope, assistant weigher.  
 June 20.—W. G. B. Shelton, inspector.

## APPOINTMENTS.

April 1, 1878.—James H. Danforth, deputy collector, vice Huguley, time expired.  
 April 5.—E. D. White, clerk, vice Allen, resigned.  
 May 9.—C. H. Johnson, assistant weigher, vice Hyde, promoted to assistant weigher, at \$3.50 per diem, vice Whall, promoted to assistant weigher, at \$4 per diem, vice Knights, deceased. (Restored.)  
 May 21.—S. W. Edgell, night inspector, vice Batchelder, promoted to inspector, vice Stocker, removed. (Restored.)  
 May 21.—Anson Streeter, night inspector, vice Tower, promoted to inspector, vice Emerson, removed.  
 May 21.—J. N. Clark, janitor, vice Stover, removed.  
 May 21.—J. S. G. Aspinwall, night inspector, vice Bates, removed.  
 May 23.—Charles P. Searle, clerk, vice J. H. Cook, promoted, vice Raymond, promoted to superintendent warehouses, vice McM., removed.  
 June 1.—Thomas Plunkitt, messenger, vice Dugan, removed. (Restored.)  
 June 1.—P. J. Fee, messenger, vice W. M. Hall, promoted to assistant weigher, vice S. C. Wright, promoted to assistant weigher, at \$4, vice Wass, removed. (Restored.)  
 June 1.—Wm. Claffey, storekeeper, vice Lane, promoted to night inspector, vice Metcalf, removed. (Restored.)  
 June 1.—G. A. J. Colgan, night inspector, vice McCarty, transferred to assistant weigher, vice J. N. Wright, removed.  
 June 1.—Warren S. Bragg, inspector, vice George Chapin, removed.  
 June 10.—Moses S. Gordon, inspector, vice Restieaux, deceased.  
 June 11.—H. R. Legate, night inspector, vice Wait, removed.  
 August 1.—Daniel Mahoney, night inspector, vice Sanborn, removed. (Restored.)  
 August 6.—B. F. Sidwell, messenger, vice Sewell, removed. (Restored.)  
 September 4.—C. W. Ryan, clerk, vice Chadwick, promoted to clerk, vice Locke, promoted to janitor, vice Stover, removed.  
 October 21.—G. F. Woodman, inspector, vice West, removed.  
 November 26.—Collins D. Thomas, night inspector, vice Wyman, removed.  
 November 29.—Richard Hamaut, inspector, vice Woodman, resigned.  
 December 13.—J. N. Wright, inspector, vice Torrey, promoted to assistant weigher, at \$4 per diem, vice Whall, promoted to weigher, vice Lakeman, removed. (Restored.)  
 December 16.—Charles H. Pew, second inspector, vice Robert Tarr, removed.  
 January 1, 1879.—J. W. Fletcher, clerk. (Office restored.)  
 January 1.—Shattuck Hartwell, clerk, vice G. J. Hinds, removed.  
 January 1.—Lewis A. Horton, day watchman. (New office.)  
 January 1.—Andrew Hall, assistant weigher, vice Hadaway, transferred to inspector.  
 January 1.—Humphrey Jameson, inspector, vice Stebbins, removed.  
 January 4.—David McGuire, night inspector, vice Edgell, resigned. (Restored.)  
 January 1.—William G. Leonard, night watchman. (New office.)  
 January 1.—Henry M. Hoyt, night watchman. (New office.)  
 January 1.—J. Locke, night watchman. (New office.)  
 January 1.—P. T. Greeley, night watchman. (New office.)  
 January 1.—George F. Raymond, night watchman. (New office.)  
 January 1.—Austin Bearse, night watchman. (New office.)  
 January 13.—Samuel P. Sayles, inspector, vice Gordon, resigned.  
 January 16.—A. Gates, storekeeper. (New office.)

January 16.—M. Starbuck, storekeeper, vice Rice, promoted to assistant weigher, vice Perkins, promoted to assistant weigher, vice Pindar, resigned.

February 1.—C. T. Merritt, night inspector, vice Riddle, removed. (Restored.)

February 1.—C. McCaffrey, night inspector, vice Mooney, removed.

February 1.—Charles H. Gray, messenger, vice Plunkett, resigned.

February 1.—T. C. Webber, clerk, vice Newell, removed.

March 4.—W. H. Atwell, jr., night inspector, vice Pearce, removed. (Restored.)

March 4.—J. L. B. Pratt, storekeeper, vice Foster, transferred to inspector, vice Bragg, transferred to assistant weigher, vice Crane, transferred to clerk, vice Butterfield, removed.

March 6.—W. I. Ellis, inspector, vice Emery, promoted to special inspector, vice Snow, deceased.

March 24.—Edwin Patch, inspector, vice Lander, removed.

March 24.—S. Hoyt, clerk, vice Fletcher, removed.

April 2.—W. Carter, inspector, vice W. D. Eldridge, removed. (Restored.)

April 21.—H. L. Hill, night inspector, vice Aspinwall, deceased.

May 1.—C. H. Gray, night watchman. (New office.)

May 1.—Oliver Newell, night watchman. (New office.)

May 26.—Caleb A. Smith, storekeeper, vice McCormack, promoted to night inspector, vice Huntley, promoted to assistant weigher, vice Bard, promoted to inspector, vice Keyes, promoted to position in appraisers' department.

May 26.—Charles C. Burt, assistant weigher, vice Wellington, promoted to assistant weigher, vice Pope, resigned. (Restored.)

June 1.—N. M. Jernegan, inspector, vice Edgar, deceased.

July 1.—William F. Stetson, inspector, vice Shelton, removed.

By the CHAIRMAN :

Q. Among the names under the head of "removals," I find that of George J. Hinds, clerk, with the date, 31st December, 1878. What was the cause of his removal?—A. I could put a better clerk in his place.

Q. Whom did you put in his place?—A. Mr. Hartwell, I think, who was formerly auditor.

Q. Mr. Hartwell had been auditor in the custom-house before?—A. Yes, sir.

Q. He is a civilian?—A. Yes, sir.

Q. Is Mr. Hartwell known as the friend of any prominent politician in the State?—A. I cannot say.

Q. Is Mr. Hinds known as the friend of any prominent politician in the State?—A. I cannot say.

Q. Did any prominent politician in the State speak to you of either of them?—A. I cannot say that any did.

Q. Are no recommendations on file for either?—A. I presume there may be.

Q. Who recommended Hartwell for promotion?—A. I could not say that I have any recommendations on file, without referring to the records.

Q. Mr. Hinds is not in the government employment now?—A. Not at the custom-house.

Q. What are his political proclivities, Republican?—A. I have always understood so.

Q. Was he a Butler man or one of the other kind?—A. He professed to be anti-Butler.

Q. Was Mr. Hinds in the service of the United States during the war?—A. I have understood that he was.

Q. He served three years and a half, did he not?—A. I could not tell you.

Q. He is commander of one of the most important posts of the Grand Army here, is he not?—A. That I cannot tell. I have no knowledge of it.

Q. Was there, that you remember, any special cause for the removal of Mr. Hinds?—A. I have given the cause—that I could put a more capable man in his place and a man whose general character was more reliable.

Q. Was Mr. Hartwell ever in the custom-house before?—A. I have just said that he was there several years. He was auditor.

Q. Was he there when you came into the office?—A. He was not.

Q. Had he been removed before?—A. I understood that he had.

Q. You gave Mr. Hinds a letter after you removed him, did you not?—A. Yes, sir.

Q. What was the tenor of that letter?—A. That no charge had been made against him.

Q. That his character was good?—A. No; it said nothing about his character. I have not the letter with me, but I will furnish you with a copy of it if you wish.

Q. Do you know the reason why Mr. Hartwell was discharged from the custom-house before?—A. It was said that it was because he was not in sympathy with the collector and the collector's friends. I do not know anything about it. Mr. Hartwell was a graduate of Harvard College, had the honors of his class, and was a very intelligent and able man.

Q. Was he in college when he was appointed?—A. I could not say as to that.

Q. Was he practicing law when he was appointed?—A. That I could not tell you.

Q. Is Mr. Hinds living here in the city?—A. I do not know. He told me he was going to California and that he wished I would give him some kind of a letter to show how long he had been in the custom-house. I said to him that, when I had removed a man, it was a difficult thing to give him a letter that would do him any good. He said that there had been no charge preferred against him, and that he had been in attendance at the office.

Q. He performed the services required?—A. Yes. I would say, Mr. Chairman, that I give heavy bonds for the performance of my duties; that as officers who are subordinate to me I wish to have those men only in whom I have complete confidence. I had not confidence in Mr. Hinds.

Q. Can you tell me upon whose recommendation Mr. Hartwell was put in the place of Mr. Hinds?—A. I have answered that question several times, Mr. Chairman.

Q. Not specially. You have answered it generally by saying that you could not remember. Can you recollect now?—A. I said I could not remember whether I had any papers on file or not; but I put him in from my own knowledge of the man, from the report that there was of him in the custom-house; from the character he had sustained among the men with whom he had served, and who had been subordinate to him in former years.

Q. I see here that you have removed another gentleman, Frederick G. Pope. What was the cause of his removal?—A. Mr. Pope was an assistant weigher. At various times complaints had been made to me that Mr. Pope was not as efficient a man as he should be, but I had known him a good many years and knew he was a soldier and passed it along. Special Agent Bingham instituted an investigation into the weight of glass not only at this port but at other ports. In the course of that investigation some cases came up in which Mr. Pope had been the weigher. This investigation was entirely outside of my office and unknown to me or my officers and except to those who were interested. Mr. Pope made an affidavit as to his connection with the weighing of certain invoices of glass. That affidavit went to Washington with other papers. The special agent showed me a letter from Washington in which the ques-

tion was asked, what the collector proposed to do with that weigher; if he proposed to keep him after such an affidavit. I thought it was time to make the recommendation of his removal.

Q. Whom did you put in his place?—A. I could not tell you.

Q. Was it a man of the name of Burt?—A. I did not fill the vacancy at once.

Q. Do you know who got the place finally?—A. (After referring to list.) Mr. Charles C. Burt.

Q. What was the business of Burt when he came there?—A. Mr. Burt had been employed on the wharf as a laborer for a long time and assistant to the weighers, at twenty-five cents an hour when there was work.

Q. You say that you knew that Mr. Pope was a soldier?—A. Yes, sir.

Q. He was a colonel of one of the Massachusetts regiments?—A. I could not tell you. I want to say, Mr. Chairman, that I considered it an order from the department to recommend his removal.

Q. Mr. Burt, who was put in his place, had been a civilian only, had he not?—A. I presume that he had.

Q. What are the political proclivities of Mr. Pope?—A. He is a Republican.

Q. With whom had he been recognized as having acted in the last campaign?—A. A Talbot man—a very zealous one.

Q. With whom had Mr. Burt been recognized as having acted?—A. That I do not know. He was formerly in the custom-house and was removed to make room for a partisan of General Butler's some years since.

Q. Do you know of any charges having been made against him for wrongful practices?—A. No, sir; the record makes no charge. I looked it up.

Q. The office of C. S. Mixter seems to have been abolished. Was anybody put in his place?—A. No, sir; Mr. Mixter's office was an unnecessary office, created to give him an extra salary. He really had no duties to perform except to see that other folks performed their duties, which was the business of the auditor and collector. He had a salary of \$1,800.

Q. About the time at which Mr. Mixter's office was abolished, did you not appoint some additional clerks?—A. I appointed two new clerks to fill vacancies.

Q. Was not Mixter a soldier?—A. I presume so; he may have been.

Q. Did he not serve two years as a soldier in the 23d Massachusetts regiment?—A. I could not tell you. I have his record at the office, I could tell by referring to that. I understood him to be a soldier, but that was no reason he should have an unnecessary office at \$1,800 a year.

Q. But you did appoint two new clerks about that time—Mr. Searle and Mr. Chadwick?—A. (After referring to list.) Perhaps so. I can give you a little explanation as to Mr. Chadwick that may not be so pleasant to the ones who inspire the question. Mr. Mixter's office was abolished on the 8th of July, 1878. Mr. Searle was appointed on the 28th of May, 1878, previously.

Q. When was Mr. Chadwick appointed?—A. Mr. Chadwick was in the custom-house when I went there. He was not an appointee of mine. I could give you the particulars about Mr. Chadwick if you would like to have them.

Q. If he was there before you came, I presume that as to him the in.

quiry was merely an oversight.—A. It was little more than an oversight.

Q. Go on then and state what you desire to state in regard to it.—A. Mr. Chadwick was a clerk in the custom-house, having care of the triplicate invoices and other duties. After my appointment as collector and before I qualified, during the interim, changes were made. Mr. Chadwick was transferred from that clerkship to be an assistant storekeeper at \$800 a year. The salary of that clerkship was \$1,000 a year, and a man by the name of Ham, from New Hampshire, was appointed to fill the vacant clerkship of \$1,000 a year. When I came to the custom-house, I found Mr. Chadwick performing the same duties that he had always performed, the duties of a clerk, but that his salary of \$800 was charged to the warehouse proprietors as that of a storekeeper, though he was performing none of the duties of a storekeeper. In a short time the superintendent of warehouses, who undoubtedly was in the plan in the first place, brought in a recommendation to me that Mr. Chadwick's place as storekeeper be abolished; but, instead of that, I abolished the office of storekeeper, and asked the department to change Mr. Chadwick's designation from "a storekeeper" to "a clerk," as he was performing the duties of a clerk. That is the explanation as to Mr. Chadwick.

Q. I see by the list that there was a removal of A. R. Stover.—A. He was janitor of the building.

Q. He was for whom for governor last year, before he was removed?—A. We had not then got to the gubernatorial question. He was removed for inefficiency, and on the report of Special Agent Brush, of New York, because of dishonest connection with the sale of old junk.

Q. He, too, was a soldier, was he?—A. I do not know. It made no difference as to his being a soldier if he was inefficient.

Q. Certainly not. I want to know the fact, though. Who was put in his place?—A. At that time, a man by the name of Clark was put in his place.

Q. Was Mr. Clark one of your former employés?—A. Mr. Clark had been in my service ten years as my confidential clerk.

Q. In your private business?—A. In my confidential business.

Q. Had he ever been in the service of the United States?—A. I do not know whether he had or not. He had three brothers who were in the service.

Q. He was there by proxy. I see the name of C. C. Sewall in the list of removals. What were the reasons for his removal?—A. The reasons were fully given to the department—that I could get a better messenger, one who would perform the duties of messenger and clerk, which Mr. Sewall could not do; and that Mr. Sewall was not satisfactory to the deputies whom he served; not so satisfactory as other messengers.

Q. Was Sewall a Butler man?—A. Not unless he lied very much, and did not vote for Butler unless he lied very much.

Q. Was he a soldier, too?—A. I did not know that he was a soldier until after his removal.

Q. You knew that he was wounded and carried a ball in his body?—A. I knew it afterwards; I did not know it then.

Q. Nor that he served for three years in one of your own regiments?—A. I did not know it then.

Q. Who was put in his place?—A. A former clerk in the custom-house.

Q. Give his name.—A. Sidwell.

Q. Was he active in connection with the Republican organization?—

A. No, sir; I would know that by proxy, as you have said, Mr. Chairman.

Q. Do you know of his having been in the custom-house before?—A. Yes, sir.

Q. State when Mr. Sidwell was removed.—A. Sidwell was removed, and I think his office abolished, after Colonel Hall came in there. Two went out and one man took the two offices; I am not certain about that. But Colonel Hall recommended Mr. Sidwell very highly, and after that he was employed.

Q. Was Sidwell ever in the service of the United States as a soldier?

A. I do not think he was. I think, if I would give you in full, Mr. Chairman, a list of those removed who were soldiers, it might save some inquiries. The force to-day is, nearly three-quarters of it, from soldiers.—

Q. We would be glad to take it as fully as you can give it to us.—A. I can give it to you from the 28th of May. There have been two or three appointments since, but not enough to affect the general results. [After referring to mem.] Of appointments that I have made since I have been collector, there have been 28 soldiers and 21 civilians; of promotions, 22 soldiers and 14 civilians; of removals, 10 soldiers (in each case for cause) and 14 civilians; of offices abolished, 6 soldiers and 13 civilians. Those are up to the 28th of May. I think there have been three offices abolished since, of which two were civilians and one a soldier.

Q. Was there a man named Atwood in the employ of the custom-house?—A. I think not; not as an officer.

Q. Was there a man there named Coffin or [Cauffman]?—A. There was when I went there.

Q. Was he dismissed or his office vacated?—A. He was not a custom-house officer.

Q. What communication had he with the custom-house duties?—A. He was a truckman who gave bonds. He had the same as a great many other truckmen had. He was connected with the janitor in that matter of the old junk.

Q. Was Mr. McMichael there?—A. Mr. McMichael was there. He was removed.

Q. He was superintendent of the warehouses and was removed on May 7th?—A. Yes, sir.

Q. Who got his place?—A. The man next in line of promotion in the warehouse department—Major Raymond, storage clerk.

Q. Where does he live?—A. He is from Worcester. I don't know whether he lives there or not.

Q. Who was put in Raymond's place?—A. I should have to refer to the paper there. I think, however, it was Major Cook, who has been in the custom-house eleven years. [After referring to list.] No; I would not find it here, because it is a promotion.

Q. What about the case of Hosea Eaton?—A. His office was abolished.

Q. McMichael and Eaton were both soldiers?—A. I never heard that McMichael was a soldier, except "of fortune."

Q. What were his proclivities politically?—A. Nobody ever had confidence enough in him to believe what he said.

The CHAIRMAN. We will get to know something of the political status of gentlemen about Boston at this rate.

The WITNESS. He is not about Boston.

Mr. BLAIR. Could you tell what he was by the way he voted?

The WITNESS. I never knew anything of the way he voted.



By the CHAIRMAN :

Q. Was he a Butler man or not ?—A. I could not say. It would depend on the amount of money that was involved.

Q. Were any of these gentlemen who were removed Butler men or Democrats ?—A. Not to my knowledge.

Q. There have been no Democrats in the Boston custom-house for the last twenty years ?—A. I could not say.

Q. Were any of the employes removed because of their Democratic proclivities since you went there ?—A. None of them were removed because of their political proclivities one way or the other or to affect their political action.

Q. When you abolished an office did you create another to take its place ?—A. There has been no office created to take the place of any office abolished.

Q. But men were put in as vacancies would occur, were they not ?—A. As vacancies occurred men were put in.

Q. Was Eaton a soldier ?—A. He was a provost marshal, I think, during the war. I never heard of his being in the service.

Q. Was he a soldier in the Mexican war and the war of the rebellion ?—A. I don't know. If his office had not been abolished there would have been sufficient reasons for his removal, but it is not worth while to go into them, because his office was abolished.

Q. There were a good many civilians in the custom-house. One of them could have gone out and he could have got the place, couldn't he ?—A. I believe it is the verdict of the soldiers of this State that a proportion of the offices in the Boston custom-house is all that they can ask for.

Q. What do you say as to the case of J. M. Griswold ?—A. That office was also abolished.

Q. He was another soldier, was he ?—A. For a short time.

Q. What has become of him ?—A. He shot himself.

Q. How long after he was removed from office ?—A. I could not tell you ; a few days.

Q. Within a week after, was it not ?—A. Yes. He had attempted self-destruction while he was in office.

Q. The office of A. K. Russell was abolished also, was it not ?—A. Yes, sir.

Q. Was he a legless soldier ?—A. He had but one foot.

Q. His office was abolished when Eaton's and Griswold's were, was it not ?—A. Yes, sir.

Q. Was there anything against his competency as an official ?—A. Nothing but his age and infirmities, nothing else.

Q. How old a man was he ?—A. Nearly sixty.

Q. He was not removed for political proclivities of any kind ? Was he understood to be a Republican ?—A. He was there because he had been reappointed. His office had been abolished once before and he was reappointed, as I understand, by the Secretary of the Treasury, at the solicitation of Judge Hoar. His political proclivities would be supposed to be in harmony with my own ; he is a very worthy man ; and it is a very hard case if, when a collector is expected to do the business at the lowest possible cost, he at the same time makes his office an asylum for disabled men, though they are men who are worth anything.

Q. You can sympathize with the Democracy in their attitude in the Senate now.—A. The Democracy needs the more sympathy because they have two armies to provide for rather than one.

Q. Do you know a man of the name of Bumper ? [Bumpus.]—A. Yes, sir.

Q. Is he out of place or in place now ?—A. In place.

Q. He was removed ?—A. He was out a week or ten days.

Q. How did he get back ?—A. I do not know.

Q. He too was a soldier ?—A. He too was a soldier.

Q. Do you remember whether a man named Hall got in in his place ?—A. I think not.

Q. A man named Hall, ex-chairman of the Boston Republican committee, did get a place, did he not ?—A. He got a place, but he did not get Bumper's place, because Bumper is an inspector and Mr. Hall is a weigher. Mr. Bumper was removed for supposed cause, by report of officers, that would have justified any removal. On further investigation I was satisfied that the removal was without sufficient cause, and recommended his restoration.

Q. He had some Congressman to back him, had he not ?—A. I do not think he had.

Q. Did not Congressman Harris stiffen up his case ?—A. I do not think that Congressman Harris has had very much luck in stiffening up anybody's case. They always complain in such cases.

Q. What about the case of Mr. J. L. B. Pratt ?—A. Mr. Pratt is still in the custom-house. His office was abolished and he had to be out some two months, until a vacancy occurred ; then he got back. It was an unnecessary office and has not been filled ; \$1,400 saved to the government.

Q. Was Mr. Pratt pretty active during the last State campaign ?—A. I could not say.

Q. He was not out of the custom-house doing any work ?—A. He didn't go out of the custom-house.

Q. He never went out of the city looking after political work ?—A. I couldn't say that he did, with my knowledge. We do not do any political work in our establishment.

Q. Is there a man named Sanborn on the list here ?—A. His office is abolished.

Q. One named Skinner ?—A. His office is abolished.

Q. One named Ham ?—A. His office is abolished. Theirs were the three last offices abolished. Mr. Skinner is a brother-in-law of Mr. Gillman, the Treasurer of the United States. Mr. Ham is the man who was appointed in Mr. Chadwick's place after I was appointed collector and had taken possession. He is a good man. All three of those men were good men.

Q. Was Sanborn a soldier ?—A. Sanborn was a soldier and a good clerk.

Q. Who got in, in his place ?—A. Nobody got in his place.

Q. Was there not a member of the legislature put into place about that time ?

Mr. BLAIR. A member of what legislature ?

The CHAIRMAN. Of the legislature of the State of Massachusetts.

The WITNESS. Not in the clerical force. The clerical force is entirely distinct, Mr. Chairman, from the weighers and inspectors.

Q. Mr. J. N. Wright : what about him ? Was he removed for political cause ?—A. No, sir ; nor reappointed for political cause.

Q. Is he reappointed ?—A. Yes ; he has been there over six months.

Q. He is a Butler man, is he not ?—A. I do not know ; I never asked him. He is from Lowell.

Q. Who got into his place?—A. That is a good way back. I could tell probably by referring, unless the place was filled by promotion. You must recollect it is a pretty large force, and I have a very good memory, but I cannot carry it all in my head.

Q. I see upon the list the name of one Bower.—A. His office was abolished.

Q. Was anybody put in in his time?—A. No, sir.

Q. He was a soldier, too?—A. Yes; he was a soldier. He was a member of the legislature, too.

Q. Did you abolish any office that was held by a civilian?—A. I just gave you the memorandum. I will repeat it. [Referring to memorandum.] I have abolished thirteen offices held by civilians. To those you may add two, making fifteen. I have abolished seven offices held by soldiers—seven to fifteen.

Q. I see by this list that a gentleman named Tarr, an inspector here, has been removed. Was he removed because he was a Butler man or not?—A. He said he was not.

Q. What was the cause of his removal?—A. He was very profuse in his professions of Republicanism and anti-Butlerism.

Q. To you?—A. To me, unsolicited. He had the privilege of talking without reply.

Q. Who was he? Soldier or sailor?—A. He was a sailor, certainly.

Q. A commander in the Union Navy?—A. He was removed for non-payment of duties; for intemperate habits, drinking habits.

Q. A soldier got his place?—A. A soldier got his place, from the same city.

Q. Who was he?—A. Captain Charles Pugh, a soldier with a good character at home—more than Mr. Tarr had. I can state some further reasons. Mr. Tarr was detailed on the international steamboats and there were complaints that he did not treat ladies respectfully when he examined their baggage in their state-rooms.

Q. I see, also, that M. B. Lakeman, a weigher, was removed?—A. Yes, sir; he was removed.

Q. Who got his place?—A. It was filled by promotion. I think that Captain Whall got it.

Q. He (Lakeman) was one of Butler's friends too?—A. He did not profess to be.

Q. He was not removed for being a friend of Butler's?—A. Not at all. I believe the complaint was that I kept Butler's friends last year.

Q. Colonel Lakeman was a soldier?—A. Yes, sir; with a good record. But there were sufficient reasons for his removal. I have a good deal of regard and respect for Colonel Lakeman, and I should rather not say any more about his case.

Q. I see here too the name of one Hall. His office was abolished. He was a clerk?—A. Yes, sir; but not a soldier.

Q. He served in the Navy?—A. I beg your pardon—yes.

Q. Was he related to or closely connected with anybody who was a very special friend of General Butler's?—A. That was no reason for his office being abolished. I may say, again, in regard to abolishing the offices, that no office has been abolished except upon full consultation with my deputy or the surveyor or the parties who had them immediately in charge. Mr. Hall was a good clerk, and there was nothing against him in the custom-house. My relations to his relatives, to whom you allude, have always been so pleasant that they would have led to his retention rather than to his suspension.

Q. Those on the list here that you have given make how many offices abolished since April 1, 1878?—A. I could not tell without counting.

Q. These changes have all been made since you have come into the custom-house? You have no list of changes made since?—A. No, sir. There is the full list of removals and appointments before you.

Q. And these are changes within the personnel of the office and within the Republican party, all of them? I mean to say that no man was removed nor any man appointed who was a Democrat?—A. The question of politics has not been raised.

Q. So far as you know, would the fact of a man being a Democrat, when pressed for a place in the custom-house, forbid his appointment?—A. No, sir; I think not.

Q. Of your own knowledge, have you a man in your employ in the custom-house who is a Democrat?—A. I think we have.

Q. Are they men who have been there for a number of years?—A. I think not, except in subordinate positions. I know of having directed employment to be given to Democrats in subordinate places.

Q. Has your office been used for political purposes in any regard?—A. I am not aware that it has been.

Q. What amount of money, if any, did it subscribe to the political canvass last year?—A. Which canvass?

Q. The Congressional or gubernatorial canvass?—A. I am not aware of it subscribing a dollar.

Q. Was a circular received there from Mr. George C. Gorham of the Republican executive committee at Washington?—A. The circular which has been given to the prints was received from Washington, and on the same day on which it was received there was a circular from the office of the collector stating that everything that was done in that connection would be done voluntarily and that an omission to contribute would be no cause for removal from office.

Q. What amount was thus voluntarily contributed in pursuance of that circular?—A. I have never known of any contribution but my own. If any money was contributed, it was not brought to my knowledge, even in a single case.

Q. No money was contributed to the campaign in Massachusetts?—A. Not to my knowledge.

Q. Can you tell us how generally, among the employes, this circular that was issued by Mr. Gorham was received?—A. I should presume that they all received it. The first that I knew of it was in meeting an employe on the steps of the custom-house and his asking me if he could not let me have his assessment. I asked him what assessment, when he showed me the circular. I immediately went up and wrote the one that I issued, and they all had it before they went home.

By Mr. PLATT:

Q. The circular from Mr. Gorham was for a voluntary contribution?—A. Of course it was, but I wanted that they should all fully understand it.

Q. And you supplemented it with another?—A. Yes, sir.

By the CHAIRMAN:

Q. Who would naturally get the money that was to be sent to Mr. Gorham? Where would it go? Would it be forwarded through you?—A. I think we have something in our regulations that would make it

a cause of dismissal for another officer to take it and send it.

Q. Would it not go to another official in the State?—A. No, sir.

Q. The circular was responded to directly, was it?—A. Yes, sir.

Q. How many of your employés went on the stump last year?—A. Quite a number. I went myself, but I was always at the custom-house when the business required me to be there, from nine till four o'clock.

Q. You attended political meetings yourself, you say, and went on the stump out in the country?—A. Yes, sir; I have not lost any of my privileges as a citizen by being collector.

Q. Of course not, but President Hayes thinks that you have.—A. No; I think President Hayes is satisfied with my duties. I have not believed that it was my duty to pack caucuses or attend political conventions.

Q. Of course you attended political caucuses in the campaign last year?—A. I would say that to say that I attended them is an assumption. I was present at a caucus in my own ward that nominated a representative; further than that, I was not.

Q. Were you not present at a conference with General Swift and Colonel Frost [or Veret?] last year?—A. Not to my knowledge.

Q. You were at no conference at which General Swift was present?—A. Unless it was a conversation such as I would have with my wife or members of my family.

Q. Was there no meeting for the purpose of managing the campaign — A. Not to my knowledge.

Q. Of course you would know the fact if you had been present at one?—A. I have not been present at any such meeting.

Q. Nor, so far as you know, was any person at any such meeting?—A. Nor, so far as I know, was any person.

Q. The only part, then, that you took in the campaign last year was such action, as you took as a citizen outside of custom-house hours?—A. Yes, sir.

Q. How many of your own employés took part in the campaign?—A. I could not tell you.

Q. Did they not all?—A. Quite a number.

Q. They went generally through the State helping the campaign?—A. There is no reason why they should not.

Q. I ask only as to the fact?—A. I could not say as to that. That is a matter that the deputy would know of. I did not, of course, keep a diary of the force.

By Mr. PLATT:

Q. To what amount were the expenses of the custom-house reduced by the abolishing of unnecessary offices by you?—A. Nearly \$27,000 per annum.

Q. Does that embrace the total of the reduction in the expenses of the custom-house since you have taken charge of it?—A. No, sir.

Q. Can you give in round numbers about how much the entire expense of collecting the customs at this port has been reduced since you took the office?—A. I could not without reference. It was given to the public on the 1st of January.

Q. Is the amount very considerably more than was then stated?—A. On the 1st of January it was considerably more. It was some \$35,000 to \$36,000. There is an increased expense at the custom-house owing to the new practice with regard to sugar. The addition to the expenses from that source is quite a material one. Formerly sugar was not tared but the schedule tare was taken. Now we have to tare one hogshead in ten. The resulting increase of expense has amounted in the last eight months to some \$8,000. This should properly be added to the additional or extra expenses, because it is an expenditure which has been ordered by the department and does not belong to the office ordinarily. At the

same time that extra expenditure of \$8,000 has been the means of effecting a saving of more than \$25,000.

Q. (By Mr. BLAIR.) That would give a balance of about \$16,000 of gain?—A. Yes, sir.

By Mr. PLATT:

Q. Has any person been dismissed or threatened with dismissal from the custom-house by reason of his vote, or intention to vote at a recent election?—A. No, sir; and nobody has been asked by my knowledge, certainly not with my intent, how he intended to vote. I may say that for twenty odd years I have been a large employer of labor, and that the man does not live who can say that I ever attempted to influence his vote before I went to the custom-house. I certainly should not do as collector what I did not do as a private individual.

Q. Were you aware at the time of the election of 1878, or about that time, either before or after it, of the politics of the men in the custom-house with reference to the contest between Butler and Talbot?—A. So far as I know anything about it, they were generally Republican, and, so far as they said anything to me about it, they spoke in sympathy with what my own views were well known to be. But a very small portion of the officers of the custom-house have said anything to me about the election, very few of them. Very many of them I do not know by sight to-day.

Q. What is the number of officers in the custom-house?—A. I could not tell you the whole number; there are between 300 and 400 officers who are immediately subordinate to myself. The naval office and the appraiser's office are independent of me. I should say that there were some fifty officers in those two departments. The whole number is somewhere from four to five hundred.

Q. Have most of these removals and appointments been made by you upon consultation or after consultation with the Treasury Department, you giving, as to removals especially, the reasons for which removals were to be made?—A. No removals can be made without the reason is given and without the removal is confirmed by the Treasury Department. The Treasury Department several times returned my recommendations, as I had not given sufficient reasons. That was in the first of my service as collector; but in those cases in which they thought they had not had sufficient reasons, there were sufficient more to be given. No appointment can be made until it is confirmed by the Treasury Department.

Q. Have the removals or appointments in the custom-house been made by the influence or in the interest of any political faction or party?—A. The appointments have generally been made from Republicans—those supposed to be Republicans—but not in the interest of any faction or of any partisan; and in no case has an appointment been made that I have not had personal knowledge of the appointee and of his qualifications.

Q. Has a removal of any officer in the custom-house been made except upon what seemed to you to be sufficient cause connected with his discharge of the office?—A. No person has been removed except for good and sufficient cause, aside from all political reasons and without regard to political reasons.

Q. Have you been influenced in your appointment by the recommendations of members of Congress or prominent men?—A. Not unless the recommendation coincided with my own judgment. I take the entire responsibility of my recommendations upon myself.

Q. Have there or not been many instances in which you have failed.

to comply with the wishes of members of Congress and prominent politicians, and in which they seemed to be very much dissatisfied?—A. I believe that there is a general complaint of me in that respect.

Q. That you are too independent?—A. That I do not make changes enough. They do not seem to think that 25 or 30 removals are enough in a force of nearly 400 in a year and a half.

Q. Will you take the pains to count and to give to the stenographer the number of removals and appointments?—A. [Referring to memorandum.] There seem to have been up to the 28th of May, 1879, in a period of one year and two months, 28 removals. I do not remember of any removals since; possibly there may have been one or two. [To the chairman.] I forgot this memorandum when you asked me the same question, Mr. Chairman.

The CHAIRMAN (after referring to the list in evidence). I make it 29.

The WITNESS. That of Shelton was properly a resignation. [To Mr. Platt.] There were 21 offices abolished, making, with 29 removals, a total of 50. There were 58 appointments.

By Mr. PLATT:

Q. You say that you have created no new offices?—A. I should make an explanation in that respect. When the annual examination was made last fall, they found (though this had all been done with the authority of the department, to be sure) that we had watchmen detailed from the labor roll, and that we had clerks detailed from the labor roll; that is, men on the labor roll who are not sworn officers of the government, but who are upon that roll at \$2 a day while performing the duties of watchmen and of clerks. They recommended that those should be changed to officers and sworn. For instance, the scrub-woman of the custom-house is a sworn officer of the government by direction of the Treasury Department. That is one of the appointments. So that there is quite a large number of appointments that did not necessitate removals and which were not actual appointments; they were simply changes in the designation from night watchman to laborer, or clerk or custom-house cleaner and so on. Then, as you know, there are more or less of resignations and several deaths.

Q. This office was made the subject of some special investigation by special agents?—A. The special agents annually go through the different custom-houses, or they are supposed to. I can give this as a sample. We had at that time six night watchmen in the custom-house in the appraiser's building. They were not returned or recorded as night watchmen, but as laborers on the labor roll—there being a labor roll of 42—but they were performing the duties of night watchmen and receiving their pay monthly as laborers. The special agents recommended that they should be changed, I concurring in the recommendation. I suggested the recommendation that they should be changed from the labor roll to night watchmen that they might be sworn in, made sworn officers and responsible to the government as customs officers. Those, too, being taken from the labor roll, made that roll so much less. There are eight of the new appointments.

Q. The number of appointments in excess of the number of removals, then, is accounted for by deaths, resignations, and by giving to persons who are employed, without being specially designated, designations?—A. Yes, sir.

Q. Is there any other thing which you desire to state in connection with this inquiry?—A. I do not know that there is, excepting this, that the force of the custom-house could be still further reduced if no regard

was paid to the claims of decrepid soldiers or of men who have grown old in the service. Fifty men could do the work of sixty if a man should remorselessly take out the men who are incapacitated by age or wounds, remove them and put younger or more competent men in their places. The expenses could be reduced largely if that practice was followed.

Q. Do you or not believe that the efficiency of the custom-house has been promoted or increased under your administration?—A. It would perhaps not be proper for me to express an opinion in that regard. The business of the custom house has increased this last year, notwithstanding that we have had less force, and I have heard no complaint of any neglect on the part of any of the officers.

Q. If a man thinks that he has done a good thing, I do not see that modesty requires that he should keep silent about it?—A. I have no fault to find with the public expression in that respect, without saying anything myself.

By the CHAIRMAN:

Q. I find upon the list produced by you, fifty-eight appointments, and among them ten styled new appointments. Those are night watchmen with one exception, that of a day watchman?—A. Permit me to look over it. [After looking over list.] The day watchman is a man who has no arms. He had been employed on the labor roll.

Q. That is treated as a new office?—A. Yes.

Q. That leaves then, twenty-nine removals and twenty-one offices abolished?—A. Each entry under the head "Appointments" will show you in whose places the appointees were put.

Q. But I want to get at the aggregate.—A. Here [indicating] is one appointment where there was no removal. Mr. White, my confidential clerk of correspondence, is in place of Mr. Allen, resigned. In each case here, I have given the name of the man in whose place the appointee was put in; that is to say, I so directed my regular secretary, Mr. White, who was more conversant with this than anybody else. The gentleman who made this up, Mr. Allen, is now away on his vacation. It was made up from the books; I have no doubt it is correct, though there may be one or two mistakes.

Q. I want simply to get the aggregate. There are forty-eight of the old places there that have been filled by appointments, and the total number of removals and officers abolished is fifty; so that the total reduction in the old force amounts to two?—A. I beg your pardon—the force is reduced in number to the extent of the offices abolished. No new offices have been created, but there has been a change of designation, of name or classification.

Q. Fifty is the total that the statement shows?—A. Yes; but as to those appointments, I told you I had not made all of them, and you have not counted in the resignations and deaths.

Q. Does this statement show the actual number of the reduction in the force?—A. Yes, sir; as I have said, the offices abolished up to the 28th day of May, amount to nineteen, which, with three added since, make twenty-two offices abolished.

Q. In the new appointments that have been made outside of the force, and since these offices were abolished, were any of the former officers included?—A. There were sixteen restored who were formerly in the custom house and turned out.

Q. Did you say you had appointed any Democrats since you had been there? You know the political proclivities of your men?—A. Certainly. I have not professed to appoint Democrats.



Q. You would not appoint a Democrat to office ?—A. I don't know but that I would.

Q. You would prefer a Republican ?—A. Everything being equal, I think I would naturally.

Q. How do you get the political opinions of your employés ?—A. I have not appointed any upon that consideration. I am pretty well acquainted with the people throughout the State, however.

Q. You know all about the men who came in before you went there ?—A. I made two rules for the government of my inquiries when I went in there, and these were, first, as to the efficiency of a man, and, next, as to the character he bore in the place in which he lived ; and I pursued those inquiries in every case.

Q. Then nobody whatever was discharged from the custom-house this last year because of his political sentiments ?—A. No, sir.

Q. And no man was appointed by you who was a Democrat ?—A. I never made any professions of appointing Democrats. I never took any contract of that kind.

Q. You said a while ago that none of your employés went out for political work ?—A. The employés in my building have no privileges excepting to go out of hours, or on leaves of absence, and are restricted in the latter to the absences allowed by the regulations.

Q. Were none of them detailed by you for political work in Boston ?—A. Never.

Q. Nor by anybody with your knowledge ?—A. By nobody with my knowledge.

Q. Nor for political work beyond Boston ?—A. No, sir.

Q. You did not permit that, if you knew it ?—A. I did not say that. What they do outside of the custom-house is none of my business.

Q. Have you given any of them leaves of absence outside of the rules ?—A. I have given them to all the men impartially, what was due to them. They are entitled to fourteen days.

Q. Can you tell me how many leaves of absence you granted in October last ?—A. I could as to the weighers and inspectors, who are in the surveyor's department ; I granted no leave of absence in that department unless the application came with the approval of the surveyor, nor to any clerks unless with the approval of the deputy in the department.

Q. It is a machine wielded by the head of each department ?—A. The head of each department is competent to say who in his department deserves leave of absence.

Q. Do you not know that leaves of absence were granted with special reference to political work ?—A. No, sir ; I know that General Swift was absent and made speeches last year ; I know he went out to go down to Maine last year, and I think he will this year.

Q. How do you get to know the political proclivities of your employés ?

The WITNESS. Mr. Chairman, do you think that these are questions which I ought to answer ; do you think that they apply to any proper investigation ? I am willing to give any information that I think is within a proper limit.

The CHAIRMAN. I only want to know from you, Mr. Collector, whether there is a system of espionage in your department ?—A. There is not ; nobody is hired by me to dog around and watch men or to know what house of ill fame men go to.

Q. I speak of the department itself, not of the outside of it ?—A. The officers whose special business it was to do that thing before I went there have gone away.

Q. They have left. There were such things going on?—A. I could not say so under oath.

Q. You have nothing of that kind?—A. Nothing of that kind; I don't believe in a spy system myself; I leave that to the gentleman who prompts your question.

The CHAIRMAN. No one prompted that question, certainly. It originated with myself. If there are wrongful practices existing in the custom-house, I wish to know of them and am able to prompt any question in that direction.

The WITNESS. I would just as lief have any one ask me if I had committed theft, as to be asked if I had dogged any one around.

The CHAIRMAN. The question came, sir, from your own heat. If you had not shown restiveness, you would not have got the question. Being here to perform a duty I intend to perform it without regard to the restiveness of officials. Were you at a meeting at which Mr. Oden Thayer, Mr. George G. Crocker, Mr. Stebbins, officers of the State committee, and candidates for State officers were present in October, 1878, a political gathering?—A. I was at many political gatherings; I was never at a meeting of the State committee.

Q. I ask you as to one?—A. I was at several political gatherings; I was at the State committee room often; I am an active political worker, have been, and always expect to be.

Q. You have told us that repeatedly. Now will you answer my question: were you at a meeting with Mr. Thayer, Mr. Crocker, and Mr. Stebbins, with reference to the management of the campaign of 1878?—A. I was at several of them, not with reference to the management of the campaign particularly, but I was at several of the meetings that were held; I don't belong to the committee.

Q. What was the conversation between you and those gentlemen with reference to that matter?—A. It was nothing with reference to the custom-house or to anything connected with the inquiries that you are pursuing.

Q. Had it no reference to the management of political affairs within the State?—A. That is a very broad and general question.

Q. I only want to know whether the Federal officials in the city of Boston do take part in the political management of general or State elections?—A. I think that the President's order allows them orally and in writing to take part in the political campaigns.

The CHAIRMAN. You may answer that question.

The WITNESS. I have answered it. You just told me that I had answered a question several times. I don't want to repeat my answers until they become tiresome.

Q. Did you consult with the committee or the candidates during the campaign?—A. I don't remember. I may have and may not. They are not consulting men much, the kind of men we have here.

Q. Did you consult with Mr. Brimmer during the time of his canvass?—A. I don't think that I saw Mr. Brimmer from the time he was nominated until he was defeated.

Q. You had nothing, then, to do with the management of his campaign from the time of his nomination until the election?—A. I don't think that I had, any more than any other citizen.

Q. You did not consult with him?—A. I don't think I did. I think I told him that if he was nominated he ought to accept. I told him that, if I had the opportunity to tell it to him.

Q. Was the custom-house made use of in bringing or effecting nominations in the city or State? The political machinery here has been used in

that direction?—A. It was formerly. It has not been since I have been connected with it.

Q: It has not been used in that direction?—A. Not in packing caucuses or managing conventions.

Q. Your officials, then, act upon their own individual direction?—A. I presume so; not upon any dictation of mine.

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EDWARD W. VAILL sworn and examined.

By Mr. PLATT:

Question. Where do you reside?—Answer. In Worcester.

Q. What is your occupation?—A. I am a manufacturer of folding chairs.

Q. To what extent did you employ help in the fall of 1878?—A. My help varied, I should say, from forty to sixty persons.

Q. Were you at a meeting, called a meeting of manufacturers, which was held at Worcester and convened at the request of Mr. Washburne, a short time before the election?—A. I was at a meeting, but I do not know that it was called under that head. Mr. Washburne said to me, in the street, "Come up to my office at such a time." I did not know for what it was convened. I supposed it was for the general interests of the Republican party. Nothing was said to me about what it was for.

Q. At that meeting what was avowed as the object for which the meeting was called? State, in general terms, what was said there.—A. I could not tell you what was said; and as to that I can only say this, that I supposed the meeting was called to benefit and help the Republican party during the election, and to devise the best means perhaps to that end.

Q. Was there any proposition that those persons who met there, and who were employers of help, should put any pressure upon their help to have them vote against Butler?—A. I heard nothing of the kind.

Q. Was any sentiment expressed there like this, that you must keep within the law and not threaten discharge, but tell the help or the employed that if Butler is elected it will affect the business, and may lead to a suspension of the business?—A. I never heard anything of the kind.

Q. So far as you were concerned, was any act done by you, or by any one under you, with your knowledge, to coerce, intimidate, or unduly influence the vote of any man in your establishment?—A. I know of none.

Q. It has been said that some person was discharged by you. You are familiar with the case. Please to explain.—A. I can give you all the circumstances. The man was a colored man by the name of Thomas Robertson. He was formerly a servant in my family, or used to work in my house, and was a man in whom I had a great deal of confidence. I took him into my factory. It was customary, during the hours of twelve and one, to leave some one on each flight, and I had so much confidence in him that I left him for one, to look after a particular flight. Upon my return from dinner one day, one of the females in the department underneath said that there was something running through the floor. I looked at it and found it to be alcohol. I went up and found upstairs a quantity of alcohol spilled, and that it had been partly wiped up with

tow. I inquired into the matter. The colored man came along, and he did not know anything about it. I said to my foreman, "You just look this matter up and see if you can find who it was who did it." Several hours later he came to me and told me that he had found a two-gallon pail containing a quantity of alcohol, and that it belonged to this colored man; that it was found in his wardrobe. I took the pail out from where it was found, having removed from it some clothing that had been thrown over it, and asked the colored man, "Is this yours?" He replied, "It is." I asked, "How came the alcohol in it?" He answered, "Out of your store-room." I asked, "Why didn't you ask me for it?" He replied, "I thought if I did you wouldn't let me have it." I asked, "Why did you steal it?" From that he dropped to his knees, asked my forgiveness; said he would never do so again, and so forth. I said to him, "Now, Thomas, you have been with me a long time, have always been a faithful man. I will give you a week's time to get a situation." I thought that I would keep him, and had concluded to do so, when some of the help came to me and said, "Mr. Vaill, the people are saying around the store that, if that had been an Irishman, you would have kicked him out of the factory." I went to the man and told him, "On the whole, I guess you had better leave." I supposed that he was a Republican at the time I discharged him. I did not know that he was a Butler man. A few days afterwards one of the men told me that this colored man was a Butler man. That was the first that I knew of that.

Q. You did not know, then, at the time you discharged him, that he was going to vote for Butler?—A. I did not, though I knew he was a Republican.

By the CHAIRMAN:

Q. When was this?—A. It was in the last of September or the first of October, 1878, or somewhere along there.

Q. Were you at the manufacturers' meeting?—A. I was. I did not know it to be that, or that it was called such.

Q. A number of manufacturers were there?—A. Some who were there were not manufacturers.

Q. Mr. Thayer and Mr. Washburne were there?—A. They were. Our judge of probate was.

Q. You are a Republican?—A. I am.

Q. You were known then as such?—A. Certainly.

Q. You were not called upon for any money at that time?—A. Not a dollar.

Q. The purpose was to have you exert your influence?—A. Exactly.

Q. Did it arouse you?—A. Not particularly. I was not more aroused than before. I did not have any feeling. I had never been mixed in politics before this last fall election.

Q. You did not go out and take part?—A. No.

Q. Were you at the polls in 1877?—A. I was, but took no part. This was the only meeting or caucus of any kind that I attended during the whole canvass.

Q. Then you are not an active politician?—A. I am not.

Q. But you were moved and waked up at that time?—A. I was. I thought that to have Mr. Butler elected would be the greatest calamity that could happen.

Q. You brought that feeling to bear?—A. I went through and canvassed my shop.

Q. You saw who was going to vote for Butler and who was not?—A. Yes.

Q. You advised them all to vote for Talbot?—A. I don't think I did, because a majority of them, a very large majority, did vote for Talbot, so that I had no occasion to do that.

Q. Did you ever before canvass your shop?—A. That was the first time.

Q. What was it that stirred you up?—A. I was stirred up long before this meeting ever occurred.

Q. Did you canvass the shop before the meeting?—A. Yes; ten days before the meeting, at least; it was not after the meeting at all.

Q. What did you say to your employes? You expressed your friendship for Talbot and undoubtedly your hostility to Butler?—A. I presume so.

Q. There were how many voters among them?—A. I presume twenty-five to thirty.

Q. How many Democrats among them?—A. Among those in my employ, I suppose there were very few. I had in my room seven men who probably were Democrats. I didn't know their names. The names of all the men there were not upon my books. A number of the men in my factory were in a room that I let out to a party, and he hired the men. I do not know what the names of the men were.

Q. Do you know how many of the men in your employ voted the Democratic ticket?—A. I do not.

Q. Of what nationality were they?—A. A very few Irish and some Swedes.

Q. Give the total number of them.—A. It varied according to the season. When busy we employ as many sometimes as sixty.

Q. About how many had you at that time?—A. From forty to fifty, I should judge.

Q. Of the voters you had there how many were Irishmen?—A. The larger portion of the Irishmen were not in my employ; they were in the employ of another man.

Q. You did not speak of them among those of whom you spoke first?—A. I speak only of those who were in my employ.

Q. Had you Irishmen there?—A. Seven or eight.

Q. How many had you in your employ?—A. I cannot tell how many there were in my employ.

Q. Were there any whom you knew to be Democrats before last fall?—A. No, there were not, that is, in my employ. There were some Irishmen there who were in the employ of another man.

Q. You think there were none in your employ who voted the Butler ticket?—A. I don't know of any.

Q. What then were you canvassing your shop for?—A. To ascertain how many votes I could count that Talbot would obtain.

By Mr. PLATT:

Q. You thought the election of 1878 a specially important election?—A. Yes; I thought so. I had never taken any part in any election before for years. This one I thought was very important.

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SAMUEL UTLEY sworn and examined.

By Mr. PLATT:

Question. Where do you reside?—Answer. At Worcester.

Q. What position did you hold last year?—A. I was last year one of

the registrars of voters in the city of Worcester. I am one of the judges of the district court there.

Q. A witness (Mr. Plimpton, I think it was) testified that he knew of two hundred cases in which men could not be got on the registry by the Democratic committee, who were registered at once upon their applying through the Republican headquarters. Have you knowledge of any discrimination having been made in the registration of voters as against Democrats?—A. No, sir.

Q. Of whom did the board of registration consist?—A. The board of registration consisted by statute of the city clerk, the secretary or the clerk of the assessors, and one person elected by the city council. That was myself, I being elected for that special purpose. The other two held their positions by virtue of their other offices.

Q. State how the registration was performed.—A. My duties were such that I did not have as much to do, during last year up to the time that the preliminary lists were posted, as had Mr. Towne who is here. I was in there every day more or less, but did not take so active a part as he. Under the laws of Massachusetts the assessors return their books to us for the purpose of enabling us to make the voting list. They furnish us with information; that is to say, we copy from the books so far as there is anything in them that gives us information as to the voters. We have a clerk who is hired from year to year. The books of the assessors show, in separate columns, where the man lived on the first of May of this year, for instance, with his age, occupation, and where he resided last year on the first of May. One person takes the voting list of last year, another a copy of the assessors' books (in some instances the original when we cannot get time to copy), and then the names are read through. If a name appears to be correct it is allowed to stand. If there is such a change in a name that we cannot identify the person whom it purports to represent we make inquiries for information. Many persons applied to us to be left off because of a change of residence from one ward to another during the year. If a man changed his ward during the year and his name appeared upon the report of the assessor for that ward into which he had moved we put his name on; if he was not known to the assessor we left his name off. Substantially, unless the assessors gave us information in a case of a change of ward we had no means of knowing that a new man was the same who had been upon the list.

Q. Your duty is to make up a list of those persons who you find to be qualified to vote and none others?—A. Yes. We ascertain that the man paid a tax in the preceding year. That information we get from the treasurer's book. Those who have paid the tax are qualified, so far as that is concerned, and those who have not are taken off the list. The tax for the present year, for instance, would not be paid at the time of the doing of our work, and therefore we rely upon the preceding year's tax payments. Having done that, the lists are prepared and made ready to be posted, the law requiring us to make and post the lists a certain number of days, I think it is 24 days, before the election. We posted them in every ward in the city, and also published the full list with a notice requiring the people who were upon it and yet qualified to vote to come in, bring their papers, and establish their qualifications before the close of the registration, and also such other matters as were required by the statute. We published a notice in two papers published at the time, and continued the publication up to the close of the registration. In addition to posting the full list in every ward, we posted it in the City Hall, in the hall-way which runs through from one end to the other. I do not know of any trouble of any consequence that occurred during the

registration. Once in a while a man gets a little out of sorts, but I do not recollect a case in which we failed to satisfy the man himself that we had treated him fairly. We asked every man who came there to find any fault to give us a statement of any case in which parties had been left off, as we do not claim and have not claimed that we might not have left off a man unknowingly. Only one case was formally called to our attention, and we satisfied the party by turning to our books and showing to his satisfaction why the name had been left off. If anybody will come here and give the name of a man who was left off, we will try to satisfy the committee that there was a good excuse for it, or that it was one of a small number which might have been left off through oversight.

Q. Mr. Plympton testified that the registrars of voters, who were all Republicans, struck from the list 500 names of Democratic voters, and put every obstacle in the way of bringing out the vote of the Democratic party. I will ask you the question, whether there was any discrimination made, on account of politics, in striking off the names of persons that you could not ascertain to be those of voters?—A. No, sir. We cared nothing whatever about their politics.

Q. Mr. Plympton also stated in substance that he believed the board acted, in the restoration of names, upon one rule when Republicans were presented for registration, and upon another rule when Democrats were presented for registration. Is that true?—A. We did not act upon any different rule. We had one rule to apply to all. We started upon this theory, that when a man seemed to be of full age and of common sense, all doubtful questions of law were to be construed in his favor. In order not to cut him off from the right to vote, that is, when his right to vote was apparent, we construed all questions in his favor. We did not have but one case, as far as I know, in which there was really any serious question as to the right of the party to be registered. In one or two cases, a man would say that he had voted in such a town on his father's naturalization papers and that the papers were lost. I had one or two cases from the town of Milford, I think. I asked the party, "Do you know anybody down there?" He replied, "Yes, I know such and such a man, who is a Democrat." I told him "Very well, you give me a letter from him and it will be satisfactory." If he procured a letter from the party, or ran across another Milford lawyer who was also a Democrat and got a letter from him, we put his name on. That was our system.

Q. Did the same rule apply to all, without regard to the political party to which they belonged?—A. To all. We did not know, in a large majority of cases, what the politics of the applicant for registration were.

Q. I think it was Mr. Plympton who stated that he tried at one time to get the name of a person registered and that you gave him some curt answer, that you would take care of the business of registration, or something of that kind. Do you remember anything of that kind?—A. No, sir.

Q. Were persons heard before you in behalf of applicants for registration?—A. They were, if such persons chose to come. They did come in a very limited number of cases. The statute required us to be there for a limited number of days, but we have the office opened there for so many hours every day, and some one was there to attend to them if they came, or if they brought their friends.

Q. Did you refuse to hear anybody who came in a respectful manner?—A. We did not.

By the CHAIRMAN:

Q. You required men who were naturalized citizens to produce before you their naturalization papers in all cases?—A. Yes, sir.

Q. Did it make any difference whether the man had voted in the precinct a year before?—A. Yes, sir; if he could show that he had been on the voting list in the preceding year, we did not require it.

Q. Did you make any difficulty in cases in which men of foreign birth who came here under age were naturalized by their fathers having been naturalized?—A. I do not know what you mean by "any difficulty."

Q. Did you not require the production of the naturalization papers of the father in cases such as those?—A. As far as they could get them. No person who could not produce satisfactory evidence, as far as I know, was allowed to register. There was one exception, where—

Q. Was there any case in which you required a man who had been born in this country to produce his father's naturalization papers?—A. Born here? No, sir.

Q. You are certain of that?—A. Yes, sir.

Q. You did not hold the rule, then, which they held in Plymouth and require a man born in this country of alien parents to produce his father's naturalization papers?—A. No, sir; I do not understand that the statute requires it. The principal trouble they made was on the reading and writing clause, and that clause we applied to everybody. We applied it to a young man who was in the office with me at the time, and applied it to some ministers there whom some of us had heard preach. In one case, a man whom I did not know, who was a stranger, undertook to vote on the theory, as I will call it, that his father having been naturalized that gave him the right to vote, but did not produce any evidence. I asked him to give some statement, and said I did not know how we were going to apply the rule without the evidence, when he got mad about it and went off. An affidavit in the case came in afterwards, and that was the end of that. All parties who came there with an apparent right to vote were entitled to vote.

Q. Do you think that everybody entitled to vote who offered to vote was registered and did vote?—A. I do not know how many were entitled to vote—whether they were in fact entitled or not was a matter for them; everybody who furnished us with suitable evidence of his right was allowed to vote. I may say, further, as the question has been raised about all the members of the board being Republicans, that two of them held their places by virtue of having been elected to other offices.

By Mr. PLATT:

Q. Did you know of any serious complaint, at the time, that your board had not discharged its duty with impartiality?—A. No, sir; we had no complaint at the time. We had a little difficulty with the Butler men, who got a little stirred up when we asked them to give us any cases of illegalities and said we would satisfy them in regard to such cases. They did so in one case, and we satisfied them.

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ENOCH H. TOWNE sworn and examined.

By Mr. PLATT:

Question. Where do you reside?—Answer. In Worcester.

Q. Did you hold any position in connection with the board of registration last fall at Worcester?—A. I did.

Q. What was it?—A. I was one of the registrars, and, by vote of the board, was chosen chairman.

Q. You were one of the registrars by virtue of what office?—A. By holding the office of city clerk.



Q. Of whom did the board of registration consist?—A. Last year it consisted of Mr. Utley, Mr. Houghton, who was secretary of the board of assessors, and myself.

Q. Were you a member of the board of registration in 1876?—A. No, sir; there was no board. This board was created by a special statute in 1877.

Q. Mr. Plympton gave the members of the board as Mr. Utley, Mr. Clark, and, he thought, Mr. Ely?—A. Mr. Clark was chosen secretary of the board of assessors in the month of March, 1877. This law was passed some time after that, and Mr. Clark, being secretary of the board, would have been a member, but he resigned, and Mr. Houghton was chosen in his place. Mr. Clark did not resign his place until some time in the month of September, by which time we had perhaps done a little something in registering.

Q. There had been a registration?—A. There was a registration in 1877 and 1878.

Q. Were you on the board both years?—A. I was.

Q. It is charged that the board of registration left off the names of 500 Democrats. I wish to inquire of you whether any discrimination was made by leaving off the names of Democrats?—A. None whatever.

Q. Can you say that there was no discrimination made in leaving off names?—A. I can't say. There were six hundred names left off for non-payment of taxes or for not being taxed in 1877.

Q. What I want to get at is this: whether any partiality was shown in favor of the Republicans as against the Democrats.—A. None whatever.

Q. Did you have rules by which your registration was governed?—A. Yes, sir.

Q. Was there any relaxation of those rules in favor of Republicans and firm adherence to them in the cases of Democrats?—A. Not to my knowledge.

Q. It is said that the Democratic committee tried to get names upon the registration list and were refused; that afterwards the persons whose names had thus been refused, having been sent over to the Republican headquarters, were brought to the board by Republicans, and then registered without much examination of their cases. Do you know anything of that?—A. I don't know anything about it. I don't know that there was any such case.

Q. When a man was brought in by the Republican committee was there any less caution or examination than there was when a man was brought in by the Democratic committee?—A. No, sir.

Q. Was there, so far as you know, any charge of unfairness at the time?—A. Except in one instance; that was a case in which, upon my asking a man who came in to register, in relation to his qualifications to vote, he showed me papers which he had from California purporting to show that he had been a resident of California and had voted there. This was in October. I asked him where he got those papers, and he stated that he had brought them with him. Upon my questioning him further he said that he had come to the State ten months before. I told him that he could not vote in the State, as it was required that he should be a resident for a year before voting. He went away and presently came back with another gentleman, when I declined to put his name on. After a while he again returned, bringing an affidavit that he had been in the State a year. I again declined to put his name on, and told him that I would see about it. After that, I sent the detective of the city to hunt the matter up. He went to the house where

the man boarded and reported that the people there stated that the man had come there on the previous 15th day of December. That was the only case of which I recollect where any complaint was made.

Q. Mr. Plympton said that the Democrats had tried in vain to get a representation upon the board of registration. Of whom does the board of registration consist?—A. It consists of the city clerk, the secretary of the board of assessors *ex-officio*, and one member elected by the city council.

Q. Then the only chance for the Democrats was in the election by the city council, unless they carried the election for assessor?—A. So far as the election of Mr. Utley is concerned the board of aldermen, at the time of his election, was composed of seven Republicans and one Democrat, and the common council of nine Democrats (one of whom I think I may call an Independent) and fourteen Republicans. The election took place first in the board of aldermen, who chose a Democrat, he having seven votes and Mr. Utley one vote. They sent his name to the common council for concurrence, when he did not receive a vote.

Q. The common council voted unanimously against the Democrat who had been selected by the board of aldermen?—A. They did not vote for him.

Q. How long have you resided in Worcester?—A. Nineteen years.

Q. How long have you held the office of city clerk?—A. Since January, 1877.

By the CHAIRMAN :

Q. You are a Republican, of course?—A. Yes, sir.

Q. The board of registry was entirely Republican?—A. Yes, sir.

Q. There was no Democratic representation on the board of registry?—A. No, sir.

Q. What was the political complexion of the city council which chose the name of the Democrat for the board of registration?—A. The board of aldermen was composed of seven Republicans and one Democrat and the common council of nine Democrats, one Independent, and fourteen Republicans. Mr. Utley was not elected at the first election. The common council then elected a man by the name of Laselle and sent the name to the board of aldermen, who non-concurred in their selection; and at the subsequent meeting Mr. Utley was elected, he receiving, in the board of aldermen, four votes to three, and in the common council, twelve out of twenty-three.

Q. Was the man who was voted for by the eleven of the twenty-three a Democrat or a Republican?—A. They split; they did not all throw their votes together.

Q. Was it a local dispute?—A. I think not. Mr. Utley got twelve votes, the Democrat got seven, and there were scattering votes.

Adjourned.

BOSTON, Aug. 20, 1879.

LEMUEL BRADFORD sworn and examined.

By the CHAIRMAN :

Question. Where do you reside?—Answer. In Plymouth.

Q. What was your official position in connection with the elections last year in Plymouth?—A. I was one of the selectmen.

Q. As such had you anything to do with the receiving of votes in

November?—A. I did not act at the election, on election day, because my business called me another way on that day.

Q. What do you know about the case of Albert Hedge?—A. I met him one day on the street in the early part of October, when he said he was going to move to Boston, and asked me if that would hinder him from voting at Plymouth. I told him it certainly would. He said he would be ready to move about the middle of October. I said to him, "Why don't you wait till the first of November before you move, if you don't want to lose your vote?" He replied, "I've got ready to move and I shall move." I met him after he had moved, I do not remember the day, but it was from about the middle to the 20th of October.

Q. Proceed.—A. When we had a meeting of the selectmen, I informed them that he had moved to Boston, and his name was stricken from the registration list, and also from the list of voters.

Q. Was it restored, and did he vote?—A. I did not see him vote, but I was told by good authority that, on that Tuesday morning of the election, he came from Boston with his family, that the other four selectmen, after his vote being challenged, and after there being some conversation, put his name upon the voting list, and that he voted.

Q. Does his family live in Plymouth now?—A. No, sir; in Boston.

Q. Was there any change of residence back to Plymouth?—A. No, sir.

Q. What was Mr. Hedge's business here?—A. He was in the Boston custom-house.

Q. Was he in the Boston custom-house before he left Plymouth?—A. Yes, sir.

Q. What was the decision of your board with regard to the registration of young men of foreign parentage born within the State?—A. The chairman of the board got an opinion from Judge Davis and Mr. Lord; they gave it as their opinion that such persons could not vote unless they were naturalized. Having that opinion from the two lawyers, the board voted not to put the names upon the registry.

Q. When was that decision reversed?—A. I think on the Saturday or Monday before the election.

By Mr. PLATT:

State your politics.—A. I am a Democrat from the start.

Q. Are you the chairman of the Democratic county committee of Plymouth?—A. I am not now.

Q. You have been?—A. Yes, sir.

Q. In the case of Mr. Hedge, you thought he ought not to vote, because he had, as you understood, removed his family to Boston?—A. Because he had gone to housekeeping there.

Q. The other four members of the board thought that, for some reason, he ought to vote, and let him vote?—A. No; they thought of course if he had moved his family and gone to Boston, he was not entitled to vote, and his name was stricken from the voting-list.

Q. But, as you understand, they considered his case on election day, and allowed him to vote?—A. Yes, sir.

Q. What evidence came before them, you do not know?—A. No, sir; only by hearsay.

CHARLES H. CHASE sworn and examined.

By Mr. PLATT :

Question Where do you reside ?—Answer. In Manchaug.

Q. What is your business ?—A. Bookkeeper.

Q. For what establishment ?—A. The Manchaug Manufacturing Company.

Q. The Manchaug Manufacturing Company is a corporation ?—A. Yes.

Q. By whom is it owned ?—A. By B. E. and R. Knight, and Lewis Dexter.

Q. Where do they reside ?—A. In Providence.

Q. Who is the manager of the corporation, resident in Manchaug ?—A. Mr. Robert McArthur.

Q. Who is president of the corporation, if there is one ?—A. I think that R. B. Knight is president.

Q. Do the Knights and Mr. Dexter visit the corporation works often ?—A. Mr. Dexter visits them once a week ; the others come once in two or three months, perhaps.

Q. They are all residents of Rhode Island ?—A. Yes, sir.

Q. How long have you been bookkeeper there ?—A. I have been there six years.

Q. What are your politics ?—A. At the present time, Republican.

Q. What have been your politics in times past ?—A. Previous to the war I was a Democrat.

Q. Have you been an active Republican since you have been a Republican ?—A. I presume they would call it so.

Q. Do you hold any office in the town of Sutton ?—A. I am one of the assessors.

Q. That is an elective office, is it not ?—A. Yes, sir.

Q. How long have you held that office ?—A. Four or five years ; I think five years.

Q. State the number of adult males employed by the corporation of which you are bookkeeper, as nearly as you can give it.—A. One hundred and fifty.

Q. How many of them are voters ?—A. I think about one hundred of those employed in the mill.

Q. What are their politics ?—A. A majority of them are Democrats, I think. I might correct that ; I think that perhaps two-thirds of them are Democrats.

Q. Were you at the polls at the election of November, 1878, when General Butler ran ?—A. Yes, sir.

Q. What did you do there at the polls ?—A. I held ballots and distributed ballots, some.

Q. To whom did you distribute ballots ?—A. I do not think I distributed more than perhaps 25 or 30. I furnished the ballots to the ballot distributors in packages of 25 or 30 at a time.

Q. You had charge of all the Republican ballots there ?—A. Yes, sir.

Q. How did the men vote ; with sealed ballots or with open ballots ?—A. I think they were about equally divided, as near as I can recollect. A great many voted open ballots, and a great many sealed ballots.

Q. How near the ballot-box did you stand ?—A. From eight to ten feet, perhaps, away from the ballot-box.

Q. It is said that some benches were put up between the ballot-box and where the people had to pass ?—A. Two settees were put in front

of the ballot-box in order to keep the crowd away, so that the voters could pass in at one end and out at the other.

Q. Was that an unusual thing on election day?—A. No, sir; that has always been so.

Q. So far as you know, is that arrangement followed in other towns?—A. Yes, sir.

Q. It is to keep the crowds from flocking in upon those who vote?—A. Yes, sir; for the same purpose that the railing is put up here. [Indicating a railing in the committee room.]

Q. It is said that you exercised an undue influence upon the voters in the factory; will you state how that was?—A. I do not think that I exchanged words half a dozen times with our men in our village. I do not think that I make a practice of it among our men, but there are a few men there with whom I do sometimes talk politics.

Q. What are they?—A. Democrats and Republicans both.

Q. Did you practice any act of coercion or intimidation or unusual pressure upon the voters in that establishment?—A. Not that I am aware of; not the slightest.

Q. So far as you know did you persuade anybody to vote the Republican ticket or for Mr. Talbot against his wishes or his judgment?—A. I did not. The only solicitation that I made that day, I think that the only thing that I did, was this, to assist Mr. Rice, the Democratic candidate for Representative here from Boston. I did solicit a few votes for him that day. I did ask some of our men to vote for him if they could consistently.

Q. You wanted him elected?—A. Yes, sir.

Q. It is said that you watched the men vote, and that they were in fear by reason of your watching. Is there anything in that?—A. I do not think that that is so. I do not think there can be a man found there who will acknowledge that as a fact.

Q. Did you watch the men vote?—A. No, I did not watch their voting, or the manner in which they voted. I stood there at the end as they passed through, in order to give the name to the town clerk, and to assist him in the checking of the list, so that they could not crowd up there.

Q. You were chairman of the assessors?—A. Yes, sir.

Q. And as such you had something to do with the vote?—A. Nothing at all.

Q. The selectmen do the business in town?—A. Yes, sir.

Q. It was your business to furnish the selectmen with the list?—A. No.

Q. I was mistaken as to that. It is said, too, that you brought the men there in teams, or caused them to be brought there in teams, from the manufacturing establishment. How far is the establishment from the polls?—A. It is about five miles.

Q. How were the men taken to the polls?—A. Our teams always take them there irrespective of party, whoever wants to go.

Q. Was there anything unusual in the election in November, 1878, in that respect?—A. There was not.

Q. It becomes a necessity for somebody to provide teams?—A. Yes, sir; they are situated so far from the polling place that very few of them would go, if obliged to walk.

Q. You say they are carried irrespective of their politics?—A. All go, irrespective of their politics.

Q. Did you ever refuse to take a Democrat?—A. Never in the world.

Q. It is said that, as you stood there at the entrance to the polls, if a

man passed along with a Talbot ticket, you said "That's all right, go ahead;" and if with a Butler ticket, you said, in some instances, "Here, you don't want to vote that ticket," and put another in the man's hand. Was there anything of that sort?—A. Nothing of the kind. I have offered tickets as they passed along. The chairman of the Democratic committee stood beside me and held his ballots out, and I held out mine, and they could take which they chose, or one of each.

Q. It was said by some witness (Terrence Kennedy, I think it was) that you had been in the habit of voting men there who had no right to vote, who were unnaturalized, or who were not domiciled in the place, or were not of age. Have you any knowledge of a case such as any of those?—A. Not in the least. They would have to qualify themselves, of course, before the board of selectmen.

Q. Some witness has said that you brought the men up in teams, voted them, and then paid their liquor bills when they went back. Is there anything in that?—A. About five years ago. I think it was, going home one stormy day, I stopped in the hotel in West Sutton and found Kennedy there. I think it very likely I treated him; perhaps I got a cigar there and treated a few, perhaps eight or ten; not more than that.

Q. Is that all that there is to it?—A. That is all that there is to it.

Q. It is said, also, that you took out \$2.40 poll-tax?—A. Their poll-tax is \$2, and their school district tax was 40 cents, which amounted to \$2.40.

Q. So that you took out the poll and school district taxes?—A. Yes, sir. All those taxes are on one tax bill. It was at their request that I did that.

Q. That was all regular, and that is all that there was to it?—A. Certainly. They requested me to do it in the majority of cases.

Q. Are the hands in that establishment free to talk politics?—A. Yes, sir.

Q. Do they talk politics?—A. Yes, sir.

Q. Do the Democrats in the establishment talk politics?—A. Yes, sir.

Q. Have you any Democrats in the establishment who occupy positions on the Democratic town committee, or who take an active interest in Democratic politics?—A. Yes, sir; we have some there who take an active interest in it.

Q. Who?—A. Mr. Stevens is one. I think he was a member of the Democratic committee one year.

Q. How are your overseers, politically?—A. About equally divided, I think.

Q. Are the Democratic overseers at liberty to talk with the help on political subjects?—A. I suppose so; I know nothing to the contrary. They are at perfect liberty to talk politics in any way they desire, so far as I know.

Q. A considerable number of your employés are Frenchmen, are they not?—A. Yes, sir; I guess over one-half.

Q. I understand that special efforts were made by the Democrats to reach that class of voters by having French speakers there. Is that true?—A. They had a French speaker there.

Q. Was anything done by the corporation, by you, or by anybody connected with the corporation to prevent Democratic politicians from urging, talking with, addressing, and endeavoring to persuade the hands in the shop?—A. not the least thing.

Q. Do you know Charles Smith?—A. Yes, sir.

Q. It has been testified, I think, that you took an envelope out of his

hand and gave him another. Do you remember anything about that ?—A. I brought an affidavit from him.

Q. State the fact yourself.—A. No, sir; there was nothing of the kind done. He was one of those men who, of course, in passing up to the polls, took a ballot from me. I think he had a Democratic ballot in his hand at the time. I do not know how the man voted.

Q. Did you take it away from him ?—A. I did not.

Q. Did you say anything to him when you gave him the ballot ?—A. I might have said "There's a pretty good man. Vote for him if you can."

Q. Did you tell him that he must vote it ?—A. Not at all.

Q. Did you ever tell any of your hands that they must vote so ?—A. Never in the world.

Q. Do you know Charles Bell ?—A. Yes, sir.

Q. Do you know Joseph Gear ?—A. Yes, sir.

Q. Do you know Joseph Gear, jr. ?—A. Yes, sir.

Q. Do you know James Seymour ?—A. Yes, sir.

Q. It is stated here that they told somebody, or that they heard somebody tell somebody else that they would have to vote as you dictated, else they would lose their places. Had you dictated to somebody or did you dictate to them how they should vote ?—A. Not at all.

Q. Did you in any way, directly or indirectly, by intimation or otherwise, give your employes to understand that they must vote against Butler ?—A. Never in the world, never.

Q. Do you know Terrance Kennedy ?—A. Yes, sir.

Q. He did not work in your establishment ?—A. He worked there about three years ago. He has not worked for us for about three years.

Q. He lived in one of the houses of the corporation ?—A. Yes, sir.

Q. It is stated that you gave him notice to leave just before the election and had some words with him. Give the facts in relation to that matter.—A. He was occupying one of our best tenements in the village, and we were very short of tenements. I told Mr. McArthur repeatedly that we ought to have eight or ten more tenements; that it would be a great accommodation to us if we had them. In looking over the names I came across his name, where he had only one child at work in the mill. It is my custom to notify them to move when they have not the proper kind of help in the mill. I sent him notice that he must give up his tenement. I thought it was rather a foolish act at that time, and I told Mr. McArthur so, that I thought I ought not to have done it until after the election, for Kennedy might make capital out of it. However, Mr. McArthur said that as the notice had gone it was well enough as it was, and to let it rest there. Kennedy made a great deal of talk at that time, so much that he made it very annoying for us; but I cannot recollect what his conversation was.

Q. He carries the idea in his testimony that Mr. Waters had been up to see him on political matters, had called at his house some time in the afternoon of this day; that you found out that he was aiding Mr. Waters and the Democratic party; and that you sent him a notice immediately for that reason. Is there anything in that ?—A. I did not know the fact of Mr. Waters' being there.

Q. Had Kennedy's politics anything whatever to do with your giving him the notice ?—A. Not a particle. He had occupied one of our best tenements for about three years with scarcely any one at work in the mill.

Q. Did you want those tenements for your employes ?—A. We did. We had expected that Kennedy would move. He was talking about

moving; had been talking about it for a year or more, and we thought we would let the matter rest and let him move himself.

Q. Did you, at the time you gave him the notice, know that Kennedy was active or was likely to be active in politics for Mr. Butler?—A. I presume I knew that fact at the time.

Q. But it had nothing to do with your giving him the notice?—A. Nothing.

Q. Mr. Kennedy says that he had some conversation with you; that he wanted to stay there until after the election; that you got violent and said he should not; that he wanted to know if he had any rights, and that you told him, "Not a God damned right." Do you remember any conversation of that sort?—A. He came up to my house on the next Sunday morning—I think it was the next day after I sent him the notice to move, but I may have sent him that on either Saturday or Friday. He came up to my house on Sunday about nine o'clock and staid until eleven. He acted very strangely. I was very anxious to go to church with my wife, but he staid around there and kept this talk going. Finally he said, "Damned if I am going to move any way." "Now," said I, "I think you will." "Well," he replied, "damned if I will; I have had counsel on it and I shan't move." As near as I can recollect it, he said, "Haven't I any rights at all?" I replied, "Yes, you have rights, and the man who owns the property has rights." I told him that, as I understood the law, a man could not be removed in seven days from his tenement—no, I don't know whether I made that remark or not, I don't think I did; but I know that he annoyed me exceedingly by remaining there so long when I was anxious to go to church with my wife.

Q. Did he annoy you by his conversation that morning?—A. He did.

Q. Was his language respectful?—A. A portion was and a portion, I suppose, was rather excited, the same as my own.

Q. You had a large number of Democrats in your employ who occupied your houses, I presume?—A. Yes, sir.

Q. You did not give notice to any one of them to leave, I presume?—A. No, sir.

Q. Was anybody ever discharged from your mill for voting for Butler?—A. Never.

Q. In all that you did in elections and in reference to elections, did you act with any concert with your employers?—A. Not at all, that I know of.

Q. Do you know what are the politics of the owners of the mills?—A. I do not.

Q. They are not residents of Manchaug?—A. No, sir.

Q. Did they ever tell you what their politics were?—A. I don't know that I ever exchanged a word with them on the subject.

Q. Do you know Mr. Frank Kennedy?—A. Yes, sir.

Q. He states that in the barber shop, one time, he heard the barber say he was going to vote for Butler and that Mr. Chase said he had better not, if he knew which side his bread was buttered on. Do you remember any circumstance such as that?—A. No, sir.

Q. Who is the barber?—A. There is a barber by the name of Stevens and one named Brothers.

Q. Did you ever say to any operative in the mill, or to any one dependent upon the mill for support, that he had better not vote for Butler if he knew which side his bread was buttered on?—A. Never in the world.

Q. This Frank Kennedy states that he heard a mill operative of the



Manchaug Company, John Stevens, say that he could get \$10 for voting for Talbot, and that if he did so he would have work all winter. Do you know John Stevens?—A. I know him.

Q. Do you know whether he was given to understand that his work for the winter depended on his voting against Butler for or Talbot?—A. Not at all. He worked there about two or three months. I think it was about two or three months ago that he moved away.

Q. Of his own accord?—A. Yes, sir.

Q. Kennedy says that this man Stevens was upon a voting list in Killingly, Connecticut. Do you know anything about that?—A. I do not.

Q. Did you put any pressure (I will use that word) upon your hands or upon any in the mills to make them vote as you wanted to have them vote?—A. Not the slightest.

Mr. PLATT. You have perhaps read the testimony over as reported, and it may be fresh in your mind. If there is any other thing that you wish to speak of here in relation to this, you may speak of it.

By the CHAIRMAN:

Q. Was it on the day that Mr. Eli Thayer was to speak in Manchaug that Mr. Kennedy was notified to leave his tenement?—A. I could not tell you.

Q. Mr. Thayer did speak there about that time?—A. Yes, sir; he did speak there.

Q. Where did he speak?—A. He spoke down in Coggeshall's.

Q. In the barn?—A. I suppose so.

Q. The hall was refused to him?—A. The hall was refused to Mr. Waters.

Q. Mr. Thayer was there, and you knew that fact?—A. That I don't know. I had no conversation in regard to that.

Q. The Republican candidate had spoken in the hall there the week before?—A. He had spoken there; I don't know whether it was the week before or not.

Q. Minstrel troupes were in the habit of performing in the hall?—A. Yes, sir.

Q. On the occasion here spoken of was the hall engaged?—A. It was not engaged.

Q. The hall is owned by the corporation?—A. Yes, sir.

Q. Do you know where the Frenchman spoke?—A. Not of my own knowledge. I think he spoke in the barn also.

Q. The Frenchman did talk to the French employés in French?—A. He did; I so understood it. In fact, I was out of the village then.

Q. Was that on the Saturday night before the election?—A. I think it was.

Q. You have a number of French employés?—A. Yes, sir.

Q. You were at the polls all day?—A. Yes, sir.

Q. Mr. Knox and Mr. McArthur were there?—A. Yes, sir; I think they were both there.

Q. Mr. McArthur, the agent, is the superintendent of the corporation?—A. Yes, sir.

Q. And you are its bookkeeper?—A. Yes, sir.

Q. As such, you would know all the employés?—A. Yes, sir.

Q. It is your business to know them all?—A. It is my business to know them all.

Q. And you did distribute tickets?—A. I did.

Q. The men were hauled there in your own wagons, Democrats and Republicans?—A. Yes, sir.

Q. Who gave them their tickets when they came to the door?—A. That I couldn't tell you. The tickets were not given out until about five minutes before the polls were opened. I had the tickets in my hand and gave them out to some five or six men to distribute.

Q. Were there no tickets in sealed envelopes to be given out to your employes that day?—A. No, sir; they were not sealed that day.

Q. Nothing in the envelopes?—A. No, sir.

Q. Nothing upon the tickets that would distinguish them from others?—A. Nothing at all.

Q. Had Mr. Kennedy anybody beside his son living with him at the time he was employed in the mill?—A. My impression is that he had one or two nieces who boarded with him.

Q. Then he had two or three employes living with him in the tenement house?—A. I could not say as to their boarding there at the time he got this notice. I think that the nieces had gone to Connecticut. As far as my memory serves me they were both out of town.

Q. He says that they were at work in the mill?—A. I think they were not. I think they were in Connecticut.

Q. When did Kennedy's son quit work?—A. I have no means of knowing definitely.

Q. Was it before the election?—A. No; it was after the election.

Q. How long after the election?—A. I think within three or four months.

Q. It was not within a week?—A. I think not.

Q. You say that Kennedy's notice to quit had nothing to do with the election?—A. Not in the least.

Q. And if you had thought it would make so much disturbance as it did make, you would not have given the notice?—A. Not at all.

Q. How happened it, then, that you gave a second notice when you had been defeated in the first proceeding?—A. The company wanted the tenement.

Q. But when you got defeated in the one proceeding and could not get him out, you commenced another?—A. We thought that we would let the matter rest until after the election.

Q. But you did commence another proceeding?—A. I think so.

Q. There were two proceedings commenced to get him out, both commenced before the election, and the latter resulted in getting him out after the election. Is not that the history of it?—A. I think that is it.

Q. While you were annoyed by it, you still commenced the proceeding?—A. Mr. McArthur is more familiar with it than I am.

Q. Is not that the fact?—A. I think that is the fact.

Q. You did tell Kennedy you would put him out?—A. Yes.

Q. He told you he would not go?—A. Yes.

Q. Did he not tell you he would stay there, fight for possession, and vote for Butler?—A. I think he said so. I told him at that time, "It is not the manner in which you would vote, because you can board here with your relatives, remain here and vote."

Q. Did the fact of the notice become public or did you keep it secret?—A. It became public.

Q. It would not in any way affect the rest of your employes?—A. I think not.

Q. Do I understand you that it is the law of Massachusetts that a man in the employ of one of these corporations, living in one of these tenements, can be dismissed and his family turned out in seven days?—A. I think that that is the law.

Q. A landlord and tenant proceeding, under which you can turn a

tenant out in six or seven days. Had you exercised that law in such a proceeding before?—A. Only once before. Three or four years ago, we ordered a man out.

Q. But it is the law?—A. That is the law, as I understand it.

By Mr. PLATT:

Q. That is to say, you have to give him seven days' notice before you bring suit; is that it?—A. I am not familiar enough with it to say. I do not know but that that is it.

By the CHAIRMAN:

Q. Seven days from the hearing or proceeding. If then there is judgment against the tenant, he is removed instant; is that it? [No direct answer was given, but the statement appeared to meet with general concurrence.] What do you mean by saying that Mr. Kennedy could have boarded with his relatives? Had he relatives there other than his son?—A. He had other relatives.

Q. What other relatives?—A. I don't know what the relationship is between them, but there is a widow lady and others there with whom he could have boarded.

Q. Were they living in the same house with him?—A. No, sir.

Q. You think, then, it would have been perfectly safe for him to have gone over and boarded with them?—A. Certainly.

Q. If he had not intended to vote for Butler it would have made no difference, you think?—A. It would not have with us. I told him he could remain in the village and vote, as far as that was concerned.

Q. Did the men come to the polls in wagons driven by employes of the corporation?—A. Yes, sir.

Q. Had these men who drove the wagons any tickets?—A. None whatever.

Q. Were you at the mill to see whether any were given them?—A. I was not there.

Q. As the men would pass you at the polling-place you would hand them tickets though?—A. They were generally provided before they got to me.

Q. But you would pass them out a ballot?—A. Yes, sir.

Q. On the gubernatorial question you were distributing Talbot tickets?—A. Yes, sir.

Q. You were but eight or ten feet away from the ballot-box and the agent, Mr. John McArthur, had charge of it?—A. Yes, sir. The chairman of the board of selectmen presided over the depositing of the votes.

Q. He is an employe of the corporation?—A. Yes, sir.

Q. Where was Mr. Knox standing?—A. That I couldn't tell you.

Q. He was there in the building?—A. I presume he was.

Q. Were you looking after other voters or particularly after the voters of your corporation?—A. After all of them. All that I knew I would present with a ballot; any in the town.

Q. How long have you lived there?—A. About six years.

Q. Do you think that these Frenchmen did not vote in an envelope?—A. I could not tell you that. I presume that some did and some did not.

Q. Did you not think that the Frenchmen had "gone back on" you, as you are reported to have said?—A. They asked me how I thought the vote would stand in our village. I told them I thought it would be about equally divided; that there would be about fifty Butler and about fifty Talbot. I said, "There won't be more than half a dozen difference any way." That was as near as I could tell. It was on the election day that I made that statement.

Q. On election day did you not say that you thought some of the French had gone back on you?—A. I don't know whether I made that statement or not—no, I think the result of the balloting was about as we thought it would be. I don't know why I should make that statement.

Q. Was it about as it was the year before?—A. I couldn't tell you how it was the year before.

Q. Were you at the polls and active the year before?—A. Yes, sir.

Q. Was Mr. McArthur?—A. Yes, sir.

Q. And Mr. Knox?—A. Yes, sir.

Q. You were all in the habit of being there regularly?—A. Yes, sir.

Q. These Frenchmen were Democrats, were they?—A. I think that the majority of them are.

Q. You think that two-thirds of the voters in the mills are Democrats?—A. Yes.

Q. Did two-thirds of your men that day vote for Butler?—A. No; I don't think they did, quite.

Q. Did one-half of them vote for Butler?—A. Yes, I guess that one-half of them did.

Q. You did not influence any of the one-sixth who you thought were Democrats and who did not vote for Butler, did you?—A. I don't know that I did.

Q. Did you not do the best that you could to influence them before the election, and on the election day?—A. There was the ordinary conversation that they had with me on political matters.

Q. The question is a plain one, and you can answer it, surely. You say that about two-thirds of the employes were Democrats and that you think about one-half of them voted for Butler. Did you influence any of the one-sixth, those who did not vote for Butler, to vote the other way?—A. No, sir; I do not think I did.

Q. Did you not do the best that you could to influence those men who voted against Butler?—A. No, sir; I did not.

Q. Then you were there all day?—A. Yes.

By Mr. PLATT:

Q. Do you wish to make any explanation in connection with your previous answer? Having answered "no," you are at liberty to explain.—A. I don't know how I can explain it any differently.

By the CHAIRMAN:

Q. Do you want us to understand that you were there all day electioneering and did not try to influence this one-sixth to vote in that way?—A. No; I don't want you to understand that.

Q. Then explain what you mean?—A. I think that by ordinary conversation I did influence some, perhaps.

Q. You did not at any time attempt to influence them from your position as agent of the corporation?—A. Not at all.

Q. Being the timekeeper over these men, knowing them well and acting, as you did, as an agent or distributor of tickets for the Republican party, did you not think that your position would have an influence upon the employes of the mill?—A. I think it would.

Q. Were no sealed tickets given out before the election in November?—A. Not one to my knowledge.

Q. Did you not know that they were distributed by other people at the mills?—A. I did not.

Q. You were the assessor of the town last year?—A. Yes, sir.

Q. You were elected by the people at the preceding November election ?—A. Yes, sir.

Q. To whom does the church in that town belong ?—A. It belongs to the company.

Q. The school-house ?—A. That belongs to the company.

Q. The hall ?—A. That belongs to the company.

Q. To whom do the tenement houses belong ?—A. They belong to the company.

Q. Can you give the total vote of the town last November ?—A. I cannot.

Q. About what was it, as near as you can give it ?—A. About 350. I have no means of knowing it exactly.

Q. Of course, I understand you to give the figures merely approximately. Of those 350, how many, according to your experience, are Democrats and Republicans, applying the test not simply of last November but of elections generally ?—A. I think that they are generally pretty equally divided.

Q. What was the result of the election last fall, as between Butler and Talbot ?—A. I think that Talbot had about two majority.

Q. Would the vote of the employes of the corporation carry the majority one way or the other, if thrown in one way solidly ?—A. I think it would.

Q. Was that vote cast solidly for you as assessor of the town ?—A. Both parties nominated me.

Q. You were elected without any opposition ?—A. There was not any to speak of.

Q. Were you at the wagons when the Frenchmen got up to the polls ?—A. I was not there ; I am always in the hall, in the ward room ; I pay no attention to them.

Q. Were the men who came in the wagons taken directly back, after voting, to the mill ?—A. Yes, sir.

Q. How long does it take them to come up and go back usually ?—A. It takes nearly all day. They generally stay there until three or four o'clock.

Q. Are they charged with the day, or does their working time run on ?—A. They lose their time, I think.

Q. You are the bookkeeper and ought to know.—A. Yes ; they lose their time. The overseers make up the time of the men. I think they lose the time.

By Mr. PLATT :

Q. You are not the timekeeper ?—A. No, sir ; simply the bookkeeper.

By the CHAIRMAN :

Q. As assessor, you have something to do with receipting for their taxes, or do you act as bookkeeper merely ?—A. The collector of taxes brings those taxes down to me. The help prefer that I should take them off their wages. It is at their own suggestion that is done.

Q. Do you know John O. Parker ?—A. Yes, sir.

Q. Is he a man of good character ?—A. He is, as far as I know.

Q. When he stated that he saw you take tickets out of the hands of the mill hands and give them others, do you think that he did not state what was correct ?—A. I know that he did not.

Mr. PLATT (after referring to the testimony of Parker). I think that the chairman's statement is correct, that the witness Parker did say that he saw Chase give the men tickets and tell them to "carry that in."

By the CHAIRMAN :

Q. You think you did not say that ?—A. I did not at all.

Q. Do you know Henry J. Whiting ?—A. Yes, sir.

Q. Do you know him to be a man of character ?—A. I don't know what his standing is.

Q. Mr. Knox was quite active, that day, as a distributor of tickets ?—A. No, sir.

Q. Did you see him take tickets out of the hands of the mill operatives and tear them up ?—A. No, sir. He has gone to Canada.

Q. Did you not tell Mr. Whiting that you could control the men, and would bet that you could ?—A. I never did.

Q. Did you not say that you would not lose six voters out of the whole of them ?—A. I never did as to the men employed by the corporation.

Q. Where does Mr. Whiting live ?—A. I don't know. My impression is that he lives in Oxford.

Q. Did you have no talk with him ?—A. I have no recollection of any.

Q. You have no recollection of a conversation in which you stated that the men were there under your control, and you would bet that you could control them ?—A. None at all.

Q. Your efforts have been purely voluntary or moral suasion ?—A. Yes, sir.

Q. You did not attempt to bulldoze them ?—A. Not at all.

Q. This was a civilized influence purely ?—A. Yes, sir.

By Mr. McDONALD :

Q. You say that about one-third of the 350 votes in the town are cast by the employes of the mill ?—A. About one-third ; yes, sir.

Q. How many salaried officers are connected with the mill ?—A. You do not mean the overseers ?

Q. I mean all who receive a salary, who are paid so much per month.—A. There are three.

Q. There are three salaried officers, and the others are employes and work there by the piece or by the time ?—A. By the day ; yes, sir.

Q. Give the names of those three.—A. The two McArthurs and myself. Those are the three in the office.

Q. All three of you are Republicans ?—A. Yes, sir.

Q. How many of you have held office in connection with the elections there ?—A. Two.

Q. What two ?—A. Mr. John McArthur and myself.

Q. You felt an unusual interest in the election of November, 1878, did you not ?—A. I don't know that I did any more than usual.

Q. Were you not deeply interested in the defeat of General Butler for governor of the State ?—A. I was not any more interested in that election than I am always interested, I might say, I suppose.

Q. Was not the feeling that you had in regard to the defeat of General Butler a little stronger than your ordinary political feeling at elections, and did it not involve some personal interest ?—A. I don't think that it did.

Q. You spoke against him in your conversations very decidedly, didn't you ?—A. I spoke of Mr. Talbot as being my preference most decidedly.

Q. In your comparisons of the two men you showed a preference aside from the matter of politics ?—A. Yes, sir.

Q. You preferred Talbot as the better man personally as well as politically ?—A. Yes, sir.

Q. Did not that give to your feeling a little more edge than usual ?—  
A. I don't think that it did.

Q. Did you always give your personal preference to the candidate of your party ?—A. I think not. I assisted Mr. Rice; I spoke in favor of him.

Q. That was altogether personal, not political ?—A. I don't know that you can call it personal.

Q. Did you prefer Mr. Rice's politics when you assisted him ?—A. No; but I thought he was the better man of the two.

Q. That is what I say; your personal preference overcame your political preference in the case of Mr. Rice ?—A. Yes, sir.

Q. To what Mr. Rice have you reference ?—A. George W. Rice, who was running for the legislature.

Q. So that, in the case of Mr. George W. Rice, you voted for a candidate for personal, not for political reasons ?—A. Yes, sir.

Q. When your personal and political views both run in the same direction, does not that add a little edge to your political preference ?—A. It is possible that it may.

Q. Looking back over the time, I ask you to say if you don't remember that you were a little more earnest and felt a stronger personal desire for the success of your own side in the gubernatorial race last year than usual ?—A. I don't think I did.

Q. The village of Manchaug is owned almost exclusively by this Manchaug corporation ?—A. Yes, sir.

Q. The outside properties are very few ?—A. There are ten or twelve, perhaps.

Q. The hall which has been here referred to is used as a town hall, is it not ?—A. It is not used for any town purposes at all.

Q. It is used for public purposes, for public meetings of various kinds ?—A. Yes, sir.

Q. Whenever a company of strollers come along, whether negro minstrels or anything else, they get that hall to perform in ?—A. Yes, sir.

Q. And when a stray preacher comes along he gets that hall to preach in ?—A. There has never been any preaching there that I know of.

Q. But upon all convenient public occasions the hall is used ?—A. Yes, sir.

Q. It is the only hall in the village ?—A. It is the only hall in the village.

Q. Why was not Mr. Eli Thayer allowed to speak in it, when other candidates were allowed to speak in it ?—A. If Mr. Thayer had applied for the hall himself, or if the proper representatives of the Democratic party there in the village had applied for it, they could have had it. It was tendered to them.

Q. Tendered to whom ?—A. Representatives of the Democratic party.

Q. Didn't your company refuse it to them in 1876 ?—A. I do not know.

Q. Your company wanted to be the judge of the kind of persons entitled to apply for it; and if certain persons applied, who, in their opinion, were proper representatives, those persons could have it, and if certain others applied, they could not have it.—A. It was a well-known fact that if certain persons applied they could have the hall.

Q. That is, if you thought that the man they sent for it was the right man ?—A. I had nothing to do with it.

Q. Or if your company thought that the man they sent for it was the right man ?—A. Yes, sir.

Q. But because Mr. Waters applied, the use of the hall was not granted?—A. Yes, sir.

Q. In other words, the company undertook to dictate to him and to the Democratic party whom that party should select to speak for them; was that it?—A. I don't think that was it. As I understand it, Mr. Waters is not recognized by them.

Q. If the use of the hall had been conceded to Mr. Waters, I suppose that the hall would have held the same audience that it would have held if its use had been conceded to somebody else for the same purpose?—A. I suppose so.

Q. It would not have made any difference as to the speakers, nor as to the size of the audience?—A. No, sir.

Q. You say that the refusal was exclusively on account of the person who applied?—A. We didn't understand that he came there to apply on behalf of anybody but himself.

Q. Didn't he come there to ask for the hall in order that the Democratic candidate for Congress might speak in it?—A. Yes, sir.

Q. It was Mr. Thayer, not Mr. Waters, who was going to speak, and in whose behalf the voters were to turn out on that occasion. The applicant for the hall might have been a porter, or anybody who was sent for the purpose. Do you not think that it looked a little like partisan spite-work to visit the sins of the agent upon the party?—A. It would have looked like that if the men applying for it properly represented the party.

Q. On that occasion he was representing the party, because you admit that Mr. Thayer was to be the speaker and that the audience was to be the people of that vicinage who might turn out to hear him. Then what difference could it make whether Mr. Waters went there to ask for the keys of the hall or some one else did?—A. Really no difference.

Q. Did it not look as if the company were shutting the Democratic party out of their hall?—A. Mr. McArthur could answer that. I had no conversation with the men who applied for it, and therefore do not know about it.

By Mr. PLATT:

Q. You had nothing to do with the hall?—A. Nothing at all for that purpose.

By Mr. McDONALD:

Q. If the objection had been really to Mr. Waters personally, do you not think it would have been the polite thing, after refusing the hall, not to the Democratic party, but to Mr. Waters as an individual, to have informed Mr. Thayer, when he came to the town, that he could speak in that hall, and that he was not compelled to go out to that barn?—A. Yes, sir.

Q. Being denied the facilities which had been accorded to the audience at the meeting of the other political party, Mr. Thayer's audience were subjected to the inconvenience of going off to that barn on the outskirts of the village. After that refusal, the balance of the Democratic meetings that were held there last season were held in that barn, were they not?—A. I think that they had only one meeting after that.

Q. That was held in the barn?—A. Yes, sir.

Q. The Democrats understood that they had been excluded from the public hall and therefore went to the barn as the only place in which their meetings could be held?—A. I don't think that the Democrats of the village thought they had been excluded.

Q. That was the belief upon which subsequently the Democrats of



the town acted, at all events. It seems that the village belonged almost entirely to this corporation, and that those of the citizens who were not owned by the company in any way took a view of that matter that was somewhat different from that of the corporation people ?—A. They seem to have.

Q. You say that Terrence Kennedy has been living there about four years ?—A. I think so.

Q. Has his son been at work in the factory all that time ?—A. I think he has.

Q. His nieces were at work ?—A. I think that his nieces were away at that portion of the time.

Q. Was it not after that that they went to Connecticut ?—A. I am quite positive that they were away at that time.

Q. Were they at work at the time that young Kennedy was given his notice to quit ?—A. No, sir ; not as near as I can recollect it.

Q. At what time was he given his notice to quit ?—A. I cannot tell positively.

Q. It was before the election ?—A. I was under the impression that it was before the election.

Q. Did he not quit at once, without working out his two weeks' notice ?—A. I don't know. The overseers have all that business to attend to.

Q. And they would be more accurate on that subject than you ?—A. Yes, sir.

Q. The notice to Terrence Kennedy to quit his tenement was served upon him on the Saturday on which Mr. Thayer made his speech in the barn ?—A. I don't think it was on that day.

Q. Was it not on Saturday ?—A. I guess it was on Saturday.

Q. You say that he came up to your house on Sunday morning ?—A. Yes.

Q. Was it not upon the Saturday before that Sunday that the notice was served ?—A. Yes, sir ; it was.

Q. Was it not a singular coincidence that the day on which the notice was served happened to be the day on which Mr. Thayer made his speech in the barn ?—A. I couldn't tell about that.

Q. You say that on the Sunday when Terrence Kennedy came to your house he annoyed you and interfered somewhat with your pious devotions, in preventing you from going to church on that day. Did he not say to you on that occasion, when he first came, that if you would let him stay in the tenement until after the election, he would get out of it without any trouble to you ?—A. I think he did say that ; it is very likely.

Q. Did you not tell him that he should go as soon as the law would make him ?—A. I think, perhaps, I did ; I could not say positively.

Q. He remained some time ; and was it not his effort, during all of that time, to get you to withdraw that suit, as he did not want to pay costs, and to let him alone until after the election, when he would go out peaceably ?—A. I never heard a word of that.

Q. Did he not say that if you would let him stay there until after the election he would go out without any trouble ?—A. I do not think he did say that.

Q. A little while ago I understood you to say that he did say that.—A. I think not.

Q. But he did go out after the election peaceably ?—A. He did.

Q. And he told you that if you would let him alone he would go out as soon as the election was over ?—A. I don't think he put it in that way.

Q. But was not that the substance of it? When you told him that he would go out as soon as the law would make him, did he not then tell you he would wait and see whether the law would make him, and, if there was to be any law about it, he would see whether you could oppress him in a matter of that kind?—A. I do not remember that he stated that.

Q. Toward the close of the conversation, when you got restless, what did he say?—A. I think he said that he would be damned if he would go.

Q. And did you not say that you would be damned if he didn't go?—A. I do not know about that part. I think possibly that I did.

Q. That was about 11 o'clock on Sunday morning, was it not?—A. It was about 11 o'clock.

Q. When did church usually meet there?—A. About a quarter before 11.

Q. So that church had about begun at that time, and you concluded that that day's sermon having been pretty well broken in, you might as well go it, and give Terrence back as good as he sent? Did he not then tell you that he would go and take legal advice about it?—A. Yes; I remember that portion of it; that he told me he had taken legal advice, and that we could not get him out.

Q. This was on a Sunday. How long was it before the election; was it two weeks?—A. I really could not remember. It is not fresh in my mind.

Q. Was it the Sunday two weeks, or the Sunday one week, before the election?—A. I really could not tell.

Q. It was some days before the election?—A. Yes; I think it was some days before the election.

Q. The case was to be heard up at Worcester, was it?—A. Yes, sir.

Q. And when that case came on, it was found that no special notice had been given, and the suit was dismissed?—A. I think that that was it.

Q. Then a lease was made of the premises to somebody. To whom was that lease made?—A. To a man by the name of Seymour.

Q. Did you draw up that lease?—A. I think I drew up one, and that it was of no use.

Q. The one that you drew up was not regarded as a good legal instrument. Do you remember when that was drawn up?—A. It all happened about the same time.

Q. This was all before the election. Then this lessee instituted suit for possession from the company?—A. Yes, sir.

Q. Where was this lessee living?—A. In the village there.

Q. The company was going to change him from the tenement he had been occupying to the tenement that Kennedy was in, and so the lease was made out to him?—A. Yes, sir.

Q. And then he was directed to bring suit. Was not that second suit also resisted by Kennedy?—A. I did not have anything to do about that particularly; Mr. McArthur did the most of that business.

Q. But, as it turned out, Mr. Kennedy remained there until after the election, put in his vote, and then quietly moved out of the premises?—A. I think he did.

Q. There was no further trouble with him after the election was over?—A. I think not.

Q. In these conversations which you had with him, didn't he tell you that this was all because of his activity for Butler?—A. No; he did not.

Q. Did he not complain that it was because of his political status?—  
A. He did not to me.

Q. He told you that he was going to stay there to vote for Butler?—  
A. He might have told me that.

Q. Is this man to whom the company leased the premises working in the establishment?—A. Yes, sir.

Q. How many hands had he in the employ of the establishment?—  
A. He had four.

Q. Who were they?—A. His daughters and sons.

Q. How long had he been occupying the tenement that he was in?—A. I do not know. He has been there, I should think, two or three years; whether he remained in the same tenement all of that time or not I am not positive.

Q. He had remained in the employ of the company some two or three years, and has been occupying a tenement house of theirs?—A. Yes.

Q. How long he had been occupying the one he was in before you transferred him to Kennedy's tenement you do not remember?—A. I do not remember.

Q. You say it is about five miles from the village of Manchaug to the polling place at Sutton?—A. Yes, sir.

Q. The three salaried officers of the Manchaug Company devoted that day to the political welfare of the company, didn't they?—A. I do not think that Mr. Robert McArthur remained there all that day; I think he did not.

Q. You all felt it was very important to see that the honor of the State of Massachusetts was vindicated in the defeat of Butler, didn't you?—A. We felt an interest in the election, of course, as we always do in elections.

Q. You say you have no recollection of using the expression to the barber which the younger Mr. Kennedy attributes to you?—A. No, sir.

Q. You were frequently in the barber-shop when he was being shaved?—A. No; I shave myself generally.

Q. But you are in the barber-shop occasionally?—A. Not three times in a year.

Q. You would not say that you were not in the barber shop, and were not shaved there?—A. No; I would not say that.

Q. You simply do not remember of having used any such expression?—A. I remember nothing of the kind.

Q. From the earnest desire which you had upon the subject, do you think that that would have been a very singular thing for you to say?—"Young man, you had better recollect which side your bread is buttered on."—A. O, it is possible I may have made a remark of that kind about bread and butter or something.

Q. That he had better recollect on which side his bread was buttered?—A. I do not think I made any such statement as that which he has said that I made.

Q. He may have remembered it and you may have forgotten it?—A. I do not think I would be apt to make any such a remark as that.

Q. I ask you if the remark is such an unusual one for you as to cause you to think that?—A. It would be a very unusual remark for me to make.

Q. Do you not think that that was the side his butter was on? Was not that your opinion?—A. It might have been my opinion, but I didn't express it.

Q. It might have been your opinion that that was the side that the butter was on.—A. I know that I did not make the remark.

Q. Still you entertained that opinion, that that was the buttered side of the bread ?—A. I don't know.

Q. Didn't you think that it was very much to the interest of the country to elect Talbot and to defeat Butler ?—A. Yes, I suppose so.

Q. Didn't you think that the prosperity of the manufacturing interest would be seriously affected if Butler was elected ?—A. I don't know that I looked at it in that light.

Q. Was not that your opinion ?—A. It might have been.

Q. What do you think about it now ? Did you entertain that opinion ?—A. I did not look at it in that light. I thought that Talbot was the best man, and consequently I voted for him.

Q. You thought that he was the best man, and you thought his principles were the best ?—A. I thought so, yes.

Q. Didn't you think that the success of those principles was quite necessary to the prosperity of the country, and that their defeat would entail still further depression in business ?—A. Perhaps so.

Q. Especially in the particular interest in which you were concerned, the manufacturing interest ? It had been considerably depressed for three or four years ?—A. Yes, sir.

Q. Did you not feel that the election of General Butler would still further depress it ?—A. It is possible that I might have thought so.

Q. So then you did think that the buttered side of his bread was the Talbot side ?—A. I don't think I made any remark of that kind.

Q. I am asking you for your belief on the subject.—A. I may have thought so.

Q. When these men came to pass in at the voting place, through the space between the railing and the two settees, they generally had tickets in their hands ?—A. Yes, sir.

Q. Do you know where they got them ?—A. From the ballot distributors, I suppose.

Q. Was not Mr. Knox out distributing tickets ?—A. I think he was. He was not near me that I recollect of.

Q. But if he was not near you he was active on some other part of the ground ?—A. I suppose so.

Q. So that the probability is that, if he came in front of the voting place, the tickets that were distributed out there were, many of them, distributed by him ? Do you know whether they were in envelopes or not ?—A. I do not. All had envelopes who wanted them. They were distributed.

Q. In short, the arrangement seems to have been about this : Mr. Knox was out somewhere in front distributing tickets ; you stood by this settee where you could see the men as they passed in to vote ; the chairman of the selectmen, who was a clerk in your office, was at the ballot-box, and the voters had to run that gauntlet in order to vote ?—A. Yes, sir.

By the CHAIRMAN :

Q. Did Stevens, the man who moved away, vote for Butler ?—A. I do not know. I cannot tell how he voted.

Q. You voted for Talbot ?—A. I voted for Talbot.

ROBERT McARTHUR sworn and examined.

By Mr. PLATT :

Question. What position do you occupy in the Manchaug Manufacturing Company's works ?—Answer. I am the superintendent, the agent of the works.

Q. How long have you been such ?—A. Between five and six years,

Q. What are your politics ?—A. Republican.

Q. In all matters ?—A. No, sir.

Q. In State matters you are a Republican ?—A. Yes, sir. In local matters we choose the best men. I do not know that in local matters at our town meeting I have voted for all the names on the ticket, but have generally divided ; I have always been much in favor of having it so.

Q. How extensive are the facilities of the establishment of the Manchaug Manufacturing Company ?—A. We have something over 40,000 spindles, 1,100 looms, and employ about six hundred operatives.

Q. Of those operatives, how many are voters ?—A. About one hundred.

Q. Did you hold any office in the town ?—A. No, sir.

Q. What portion of the taxes of the town does the corporation pay ?—A. A little over one-third of the whole taxes.

Q. Do you know of any general complaint with regard to the assessment of your property ?—A. No, sir ; not any general complaint. There are a few in the town who think that we ought to be taxed higher.

Q. By whom are the few led ?—A. By a man named Jason Waters.

Q. Do you know whether he is bitter toward your company or not ?—A. He is ; very, indeed. On all occasions he speaks of us.

Q. And that, without reference to political or town matters, but in all matters ?—A. In all matters. He is not friendly toward us.

Q. How long has Mr. Chase been an assessor there ?—A. About four years, if I remember.

Q. Have you heard any general complaint from Mr. Waters and his friends about Mr. Chase's conduct as an assessor ?—A. I never heard the slightest complaint.

Q. Mr. Chase spoke of his having been nominated last year by both parties. Has that occurred more than once ?—A. I think twice ; I would not say positively, but I think it occurred more than once.

Q. The owners of the corporation are not residents of Massachusetts ?—A. No, sir.

Q. Do you know their politics ?—A. I do not.

Q. Do they ever take any interest in Massachusetts politics ?—A. Never, to my knowledge.

Q. Have you ever had any instructions from them in relation to the politics of the State with reference to the part that you or your hands should take ?—A. Not in the least.

Q. Were you at the polls at the election in November, 1878 ?—A. Yes, sir.

Q. What did you do there ?—A. I voted.

Q. What interest did you take in the matter other than to vote ?—A. I didn't take any special interest. I talked with my friends and those whom I saw there, and tried to use an influence in a legitimate way in favor of the candidates for whom I voted.

Q. Did you give any directions as to what part Mr. Chase and Mr. Knox should take in that election ?—A. No, sir.

Q. Was there any concert between you as to what they should do?—  
A. No, sir.

Q. Can you tell the politics of the voters in your mill?—A. I cannot. I don't know that I have ever mentioned the subject of politics to any of my operatives, unless, it might have been, in conversation with some of our overseers.

Q. Do you know which of your overseers are Republicans and which are Democrats?—A. I am not certain that I do, but I think I do.

Q. Some are Republicans and some are Democrats?—A. Yes, sir; I know that some are Democrats.

Q. Have you ever suggested to them that they should turn in and help Mr. Talbot, or anything of that sort?—A. Never; but, on the contrary, I have told them repeatedly that they should, of course, vote their sentiments.

Q. Who is Mr. Knox?—A. Mr. Knox was an overseer, and in our employ.

Q. What are his politics?—A. Republican, I should think.

Q. Where is he now?—A. He is in Canada, I presume. I saw him in Worcester the other day, yesterday or the day before, and he said tath he was going to Canada then.

Q. When did he leave your employment?—A. About four weeks ago.

Q. Did he leave voluntarily or was he discharged, or was there a little of both?—A. He resigned.

Q. I suppose that, as agent, you have almost the entire control of matters at the mill?—A. Yes, sir.

Q. Have you in any way, personally or through your subordinates, attempted to coerce or constrain the vote of any man in your employment?—A. Never, either directly or indirectly.

Q. So far as you know, has it ever been attempted by any subordinate in your employ?—A. No, sir.

Q. How large is that town?—Your establishment is in one corner of it, is it not?—A. No, not in one corner; we are on one side.

Q. How far is the corporation's works from the center, where the town business is done?—A. Five miles.

Q. The public business is done about five miles away from where the corporation is located?—A. Yes, sir.

Q. How do the men from your corporation go to vote?—A. They go up in carriages and large wagons provided by me. I generally furnish them with conveyance to go.

Q. How long has that been your practice?—A. Ever since I have been there. No person has ever been denied the privilege of going free.

Q. Has there ever been any discrimination between Republicans and Democrats as to who should go to the polls in your teams?—A. Never; not the slightest.

Q. Has that been a discrimination that has been made use of to control the vote of the town when they got there?—A. No, sir.

Q. Is there any manufacturing going on in the town besides that of your own corporation?—A. Yes, sir; some cotton manufacturing is carried on by a manufacturing company in the east end of the town. The country there is made up principally of farming districts.

Q. It is said that you refused the use of the hall to a meeting at which Mr. Thayer, a member of and a candidate for Congress, was to speak. Will you explain about that?—A. The first intimation that I had that they wanted the hall was when Mr. Jason Waters called at our office. I was out at the time, and, when I returned, he seemed to have been awaiting my return. He made known his business; said that they would

like to have the hall to hold a Democratic meeting in it; that Mr. Thayer and one or two others would speak. Mr. Waters is a man who is very obnoxious to me, and I would not grant the man a favor if I could. That was the principal reason why we refused the hall. Some time after that, a party waited upon me and stated that they would like to have the hall to hold a Democratic meeting in it. I told them that they could have it, without their telling me who was to be one of the speakers. They wanted to know what the expense would be. I told them there would be no expense; that if the people in our village wished to hear them speak, I would light the hall, heat it, and give them the free use of it.

Q. The reason of your declining then to grant the use of the hall was that Mr. Waters, who had been an enemy of yours, had applied for it, and it was for that reason solely?—A. No, sir; not solely. That was the principal reason. If Mr. Thayer had made application for it, undoubtedly he would have got it.

Q. Do you know anything about Terrence Kennedy having been warned out of his house?—A. Yes, sir.

Q. By whose direction was it done?—A. By my direction.

Q. Had his political course anything whatever to do with that?—A. Nothing whatever.

Q. Did you know that he was in a sense Mr. Waters' right hand man in politics when you did it?—A. No, sir; I did not.

Q. If it had occurred to you at the time that an election was coming on, and that political use might be made of the fact, would you have done as you did?—A. Yes, sir; I would.

Q. What was the occasion for doing it?—A. We were very short of tenements at that time, as we are occasionally. I have repeatedly talked with our people about their building more tenements. We are very much troubled for the need of them. Parties come there, large families, and hire in the mill quite often. A very valuable family may make application, and, in such a case, we need tenements for them. When they get work in the mills I refer them to Mr. Chase (to whom I gave charge of the tenements), so that he may provide them with tenements. It quite often happens that we cannot provide the family with a tenement, and that in consequence we lose the family. In some cases, people occupy our tenements who have perhaps only one at work in the mill, when we might have, from the same number of other occupants of a tenement, a half dozen or more in the mill; and in those cases we have repeatedly warned people out.

Q. It was for that reason Mr. Kennedy was warned out?—A. It was.

Q. Was there any other reason?—A. No other reason.

Q. How many would his tenement accommodate?—A. There are as many as ten or twelve in a tenement of the class of tenement that he occupied. It was one of our best.

Q. There was but one person from that tenement at work in the mill at that time, as you remember?—A. Only one. It was so reported to me, and I am the overseer. Before warning him out, Mr. Chase told me there was only one from there in the mill, and I went in the mill and talked with the overseer for whom that one (the boy) worked. I asked the overseer what kind of a hand the boy was, and he replied: "He is a kind of a worthless fellow—a poor spinner." I inquired, "Do you want him?" He replied that he did not. I told him that I wanted the tenement. "Well," he said, "it won't interfere with me at all."

Q. Your object, then, was to get the tenement for the use of persons employed by you who were in want of such a tenement?—A. Certainly; that is what we have tenements for.

Q. Had Mr. Kennedy been occupying it for some years?—A. I believe he had.

Q. He had left your employment some two years before, but you had allowed him to occupy the tenement?—A. Yes, sir; two or three years before.

Q. Was there any public hall connected with this barn that is spoken of?—A. I understand so, and that they had held meetings there for a number of years. It is a public hall; it is the only public hall that there is there.

Q. And it is connected with the barn?—A. Yes, sir.

By the CHAIRMAN:

Q. You thought it was perfectly right to keep the Democratic party out of the hall because Waters came after it? A. No, sir; not exactly.

Q. Was not that the effect of your refusal?—A. As I have stated, I would not grant Waters a favor if I could.

Q. Was he not asking it not for his own use, but for the use of a political party—for the use of a number of the people there?—A. I would not recognize the man; I would not talk with him on that subject.

Q. Did the Frenchman speak there to the employés?—A. I have been informed that he did.

Q. Did he speak in your hall?—A. No, sir.

Q. Was there an application to you to allow him to use your hall?—A. Not to my knowledge.

Q. Had you ever before refused your hall to the Democratic party to hear speeches in, or have a meeting in?—A. Yes, sir.

Q. When?—A. Some two years previous.

Q. In the fall of 1876?—A. Yes, sir.

Q. Who wanted it then?—A. I don't remember; but one of the parties was named Mellen. It was reported to me that they had said they were going to give us a dressing down, and Mellen has given us a great many dressings down; he did in 1876, and has since then.

Q. Then you refused it because Mellen came after it?—A. Yes, sir.

Q. And in 1878 you refused it because Waters came after it?—A. Yes, sir.

Q. Did you want your employés to hear all sides?—A. I didn't object to it.

Q. If you could conveniently have kept them away, you would not have objected to so doing?—A. I would not do such a thing.

Q. I do not say that you would do it intentionally, but you would not inconvenience yourself about it?—A. I wouldn't say that I would not use my influence in a proper manner to help the Republican party.

Q. You used whatever influence you could use legitimately for the interests of Mr. Talbot, last year, did you not?—A. Yes, sir.

Q. You didn't talk with your employés?—A. I did not.

Q. Did you ride in the wagons in which the men went to and from the polls last year?—A. Yes, sir; quite often.

Q. How many would be in those wagons when you went up?—A. Perhaps there would be four. I generally got in, and whoever was ready to go would jump in.

Q. You accompanied the hands and allowed your teams to be used for that purpose?—A. Yes, sir.

Q. When they were through at the polls were the hands brought back in these wagons?—A. Yes, sir. Quite often these stragglers would not all get in. I have passed them myself when taking the men down.

Q. What family had you hired to work in the mill and arranged to



put in the tenement occupied by Kennedy when you notified Kennedy to leave?—A. I couldn't tell you.

Q. Had you any special family at the time hired, to be placed in that tenement?—A. I could not say that I had.

Q. It was merely a general want that you spoke of?—A. It was merely a general want.

Q. Can you not tell me who it was that you wanted to take on in the mills, at the time at which you notified Kennedy to leave the place?—A. I cannot tell you. I hire but very few of the operatives; those who are hired by me are the overseers and different foremen.

Q. You have control of the tenements?—A. Yes, sir; I have control of everything.

Q. It was by your direction that Kennedy was notified to go, and that Chase was directed to give the notice?—A. Yes, sir.

Q. Now, can you not state who it was for whom you wanted to have the tenement?—A. No one in particular. It was a general want of tenements.

Q. Then you went to the overseer of Kennedy's son, discovered that the boy was a worthless fellow, and wanted to get him out?—A. I wouldn't have turned Kennedy out of his house with his family if he had been of any benefit to us in the mill, and that was the reason why I went to the overseer.

Q. Two of Kennedy's nieces were working in the mill at that time?—A. I have been informed that they were not.

Q. You continued the process which you had begun until you got Kennedy out?—A. Yes, sir.

Q. You kept it going until you did get him out?—A. Yes, sir; we simply warned him out, and when he would not go we took legal measures.

Q. You pay taxes to the collector?—A. Yes, sir; and more than one-third of the taxes of the town.

Q. Who were the assessors of the taxes?—A. Mr. Charles H. Chase, Mr. Batchelder, and Mr. Humes. Charles H. Chase is the chairman of the board.

Q. What was the assessment of the property of the corporation in 1878?—A. I couldn't tell you.

Q. About how much?—A. Something over \$400,000.

Q. There was some litigation on this subject, or in regard to the assessment, in 1874, wasn't there?—A. No, sir; not that I know of.

Q. Was there a reference of the matter to a special master in chancery?—A. O, yes.

Q. Didn't he fix the value of the property? Look at that which I now hand you and state whether it is not an accurate copy of the report of the master in chancery as to the value of the Manchaug corporation property.—A. [After an inspection of the paper here shown, which is appended to the testimony of witness.] I never saw it before.

Q. [Several circulars shown.] Did you ever see any of these documents in circulation there?—A. No, sir; I have understood, though, that there were some such documents in circulation; that Mr. Waters had taken an active part in having them circulated.

Q. This is the cause of the difficulty between you and Mr. Waters?—A. No, sir; I never saw any of those.

Q. The point of my question is that the cause of the difficulty between you and Mr. Waters is that you thought he was assessing your property too low, and that he took the question into court to have it tested.—A. No, sir; that was not the cause.

Q. What was the cause?—A. That's a part of the cause; he takes every opportunity he can to belittle and misrepresent the company. You must bear in mind that mill property was worth considerably more then than it is at the present day. I presume it would be safe to say that it might have been worth nearly double its present value.

Q. The statement in this report (master's report) is that "the aggregate value fixed by the witnesses for the plaintiff" was \$1,321,945. The defendant's witnesses varied in their estimates from \$750,000 to \$800,000." The report concludes: "I find and report that the value of the property described in said schedule January 5, 1874, was \$1,109,837.70, being the sum of the several values affixed to each item of the schedule. To this sum I have added the agreed value of the stock, &c., \$368,315.97, and I find the total assets to be \$1,477,873.67."

Q. Upon that same property, you say to-day that Mr. Chase, the assessor, and his assistants have assessed a value of \$400,000?—A. I think about \$450,000, more or less, on the same property.

By Mr. PLATT:

Q. Is the stock of the corporation taxable?—A. Yes, sir.

Q. The corporation, then, is taxed upon its property and its stock?—A. Yes, sir.

Q. That is not fair.—A. That is what we think.

Q. The capital stock goes into property, doesn't it?—A. Yes, sir.

Q. So that, if it is taxed upon the full value of its property, and also taxed upon the value of its capital stock, the corporation is doubly taxed?—A. I do not mean to say that; I mean the stock we have on hand for working.

Q. The capital stock here referred to in the report as \$368,315.97 was not taxable to the corporation?—A. No; it is not supposed to be. In regard to that statement, I will say that the lowest valuation there was made up by experts; the other is by those who are not supposed to know much about mill property.

Q. That was in 1874?—A. Yes, sir.

Q. Mill property has very much depreciated since then?—A. I think it has; very much, indeed.

Q. Practically, is property generally, in the town of Sutton, taxed at its full valuation or at a reduction from its full valuation?—A. I presume generally at a reduction from its full valuation.

Q. They establish something like a two-thirds rule, do they not?—A. Perhaps they do as to farms. They intend to be on the safe side and protect themselves in that way.

Q. In your judgment, is your property taxed as much in proportion to its value as the farming and other property in the town of Sutton?—A. We think it is taxed higher.

Q. One of the two papers here produced is signed "Many citizens—N. R. L." Do you know what "N. R. L." means?—A. I do not.

Q. I would inquire whether, to your mind, this circular bears the earmarks of having been prepared by Mr. Waters?—A. Mr. Waters is supposed by all the people in our town to be the author of it. I guess he would not deny that fact.

Q. Have you seen that document?

[Circular signed by Chas. H. Chase shown.]

A. I have.

Q. Is that Mr. Chase's reply to the other?—A. Yes, sir.

Q. Was it generally circulated?—A. Yes, sir.

Mr. PLATT. They give both sides of the controversy, and we will ask to have both papers put in evidence.

[NOTE.—The papers are appended to the testimony of the witness.]

Q. Have you any idea of what that "N. R. L." means?—A. I have an idea, of course.

Q. National Reform League; is that it?—A. I believe so.

By the CHAIRMAN:

Q. Is your corporation a member of that league?—A. I think not.

Q. When did you come to the State?—A. In 1873.

Q. You have been a resident of Massachusetts since 1873?—A. Yes, sir.

Q. You came to take charge of these works, and came from New Jersey?—A. Yes, sir.

[The papers put in evidence are as follows:]

#### TO THE TAXPAYERS OF SUTTON.

FELLOW-CITIZENS: The equalization of taxation or a just distribution of taxes upon all persons and property, not exempt from taxation, has, through the enactment of just laws and the equitable administration of them, been the aim of republican governments since their establishment. Any marked departure from so just a principle cannot but be regarded with deep concern, as a violation of the principles upon which our State and national governments rest. That taxation has been unequally distributed in Sutton has long been suspected; and that there may be no longer any doubt upon the subject, the following record of the supreme court of Massachusetts is appended, to which your candid attention is invited:

Supreme judicial court, Worcester, ss. In equity.

LEMUEL H. CUNLIFF

vs.

BENJAMIN B. KNIGHT & Co. }

#### Master's report.

In pursuance of the order filed in said case, I have carefully examined the property to ascertain what assets, real and personal, belonged to the Manchaug Company, at a date agreed upon by the parties, to wit, January 5, 1874, and to ascertain the fair market value of the same; and I have, at various times, heard all the proofs and arguments offered by the several parties, and report as follows, viz:

The parties agreed that the value of their raw material goods, manufactured and in process of manufacture, constituting their stock in trade, together with sums due the company at the above date, was \$368,315.97. I further find that on that date the said company were the owners of the real estate, machinery, and other personal property fully described in Schedule A hereto annexed, and that the above-described property constituted all the assets of the company at that time. The parties differed very widely as to the value of the property described in said schedule. They both relied mainly upon the testimony of competent, intelligent, and disinterested experts. The witnesses on either side examined the property together, and mainly (the plaintiff's witnesses exactly) agreed in their estimates and opinions of value.

The aggregate value fixed by the witnesses for the plaintiff was \$1,321,945.

The defendants' witnesses varied in their estimates from \$750,000 to \$800,000.

These last however did not include certain property not ordinarily owned by similar companies, amounting to something less than \$100,000.

The method adopted by the witnesses for the plaintiff and the defendants' witnesses was wholly different.

The former estimated in detail the value of the several items in Schedule A, situated and adapted as it was for the general purpose of manufacturing cotton goods where the mills were located.

The latter estimated the value of the property as a whole for manufacturing purposes, and this included in their estimate only what was deemed necessary for successfully carrying on their business.

In general terms they estimated the value of the real estate, machinery, &c., so much per spindle.

I was satisfied that both methods were useful in arriving at the value, but the evidence, as it varied so widely, would have been far more satisfactory if the witnesses called by either side had made the estimates both as a whole and in detail, so that a

comparison might have been made of their several judgments as applied to the same specific subjects.

But the plaintiff's witnesses made no estimate of the property as a whole, nor did the defendants' witnesses estimate the value of the several items.

I was satisfied that the plaintiff desired to appreciate and the defendants to depreciate the value of the property, and that the opinions of the experts were somewhat affected and colored by the interest of either side. After careful consideration of all the evidence, and an examination of the property both before and after the evidence had been submitted, I find and report that the value of the property described in said schedule January 5, 1874, was \$1,109,837.70, being the sum of the several values affixed to each item of the schedule.

To this sum I have added the agreed value of the stock, &c.—\$368,315.97—and I find the total assets to be \$1,477,873.67. \* \* \*

THOMAS G. KENT,  
*Special Master.*

The above is a verbatim copy of the report of the master pertaining to the valuation of the property of the Manchang Manufacturing Company, as can be seen by any citizen, at the office of the clerk of the supreme court at Worcester. The master further reports that the indebtedness of the company at the time was of considerable amount, and the business of the company was made successful by the introduction of machinery for the manufacture of goods known in the market as "Fruit of the Loom," for the production of which the proprietors, Messrs. Knight & Co., enjoyed in connection with their bleachery excellent facilities, &c."

It is well known that on account of these advantages adverted to in the master's report, the business of the Manchang Manufacturing Company has been successful since the report was made, and therefore its property has not depreciated in value as has many kinds of property during this time; but on the contrary has been largely increased in value by the addition of machinery, the increase of manufacturing facilities, the building of a new dam, the construction of a new reservoir, and the enlargement and improvement of old ones. In view of these facts, and the valuation of the property by the special master of the supreme judicial court, which was based upon the opinions of two sets of men, who, because of their intimate knowledge of the true cash value of manufacturing property, were selected as experts to appraise the property of the Manchang Manufacturing Company, and after hearing the opinions of each, and carefully inspecting the property himself, estimates its value to be \$1,109,837, besides \$368,315 as the value of stock, is it not well to make the inquiry, why this same property, with valuable additions thereto, is taxed for less than five hundred thousand dollars?

This is a pertinent and reasonable inquiry for the small property owners of Sutton to make, the valuation of whose property has not been materially reduced for the last four years; and its correct answer might lead to the solution of the mysterious rule of a ring that claims ownership of the politics of the town, and parcels out offices as perquisites for favors to be received; that rudely thrusts from office the true and faithful officer, and retains in office those who best serve its interests; that stifles the investigation of public measures, prevents the examination of questions proposed for public action; that ignores the right of the people to discuss topics, compare views, criticize or examine the action of their public servants, or carefully consider the subjects brought up for their consideration; that packs caucuses with its hirelings and converts town meetings into howling mobs, where, amidst the fumes of foul tobacco smoke and the stench of bad whisky, parliamentary usage, statute law, and rules of common decency are set at defiance in order that the plots of the ring-masters may be consummated in the interests of the few to the detriment of the many.

Legal voters of Sutton, it is for you to decide whether these things shall cease or continue. It is for you to declare whether the gift of office belongs to you or to a self-appointed clique of place-seekers, who for selfish ends are ready to sacrifice the public interests, and seek to seduce men from their allegiance to principle, by offering bribes of political preferment, and to deter others from a faithful performance of official duties, by threats of dismissal from office as a penalty for daring to do right. It is for you to say whether you shall rule in the public affairs of the town or be ruled by unscrupulous tricksters, who give out false ballots, wink at illegal voting, and manufacture voters to order, to overcome the honest expression of a majority of the people. It is for you to prove your appreciation of free government, the rights and duties of free citizens and your determination to maintain and perform them by showing that you are not owned by any "ring," though it may attempt to bestride the necks of both

\* The law does not permit any reduction of the valuation of an estate for the assessment of taxes on account of its indebtedness, however large such indebtedness may be; nor exempt from taxation property not in use. Carriages not in use and houses unrented are not exempt from taxation.

political parties, and that your ballot is too precious to be sold at any price, and too sacred to be bartered for the miserable mess of pottage contained in the promise of a petty office. It is for you to wipe out the humiliating disgrace that rests upon you, or be yourselves wiped out by it. It is for you to govern like free men, or submit, like cringing menials, to the despotism which basely usurps authority and recognizes neither the public welfare nor the equal rights of man.

It is for you to approve or rebuke that spirit of intolerance and intimidation by which employes feel compelled to vote as their employers may indicate, regardless of their own convictions of duty, and which breathes forth threatenings of political revenge upon those who are too honorable and patriotic to rob of their dearest rights those who are employed in their services, by attempting to coerce their votes through fear of disfavor or threat of discharge from service.

The laws of Massachusetts guarantee to every citizen the free and untrammelled right to vote for such measures and men as his own judgment may dictate; and where this right is invaded by any tyrannical usurpation to control it, there can be no such thing as liberty. Shall the laws pertaining to the rights of the ballot and the purity of the ballot-box be obeyed and your politics purified from the corruption which now corrodes them, and thus enable the people to nobly live and justly rule as becomes the citizens of a country under a free government.

MANY CITIZENS. N. R. L.

To the author of the circular addressed to "The taxpayers of Sutton," without date, this communication is most cordially dedicated.

"You shall digest the venom of your spleen,  
Though it do split you; for, from this day forth,  
I'll use you for my mirth, yea, for my laughter,  
When you are waspish."

It is not customary to notice an anonymous communication of the character of the one addressed to the taxpayers of Sutton. It would have been of greater importance, however, did it not bear the mark of such unmitigated imbecility. Yet we have no hesitation in affirming that it is a perfect masterpiece of *its kind*, and had your mind not been so completely unbalanced by *your* schemes of social and political improvement and the unbiased welfare of your peers, the result, ere this, would have been different. But if the plainest lessons of reason and experience have been totally lost in your particular case, you alone are responsible. It has always been the practice of shrewd political managers to disguise their arbitrary measures under popular forms and names, but *your* method has been altogether at variance with this trite and obvious maxim, your selfish motives being plainly discernible through your thin guise of political reform, therefore, if any inconveniences arise from the liberty of political discussion, to those inconveniences you must sooner or later become reconciled. If the policy of a large majority of the liberal and intelligent portions of this community have always been for an honest and never-failing fidelity in the administration of the respective duties enjoined upon its official boards, it is not surprising that *you* should exhibit so much restiveness under the exercise of that prerogative which it is the privilege of all persons who claim this glorious old commonwealth as their home to enjoy. We are not unmindful of the fact that we are daily reproached and taunted by an isolated few, championed by one who has not even the confidence, support, or respect of either party, and it is from this fact that we expect to be subjected to the bitterest and most sarcastic reflections. The question resolves itself as to, not what *you* ought to do, but what *we* ought to do; not whether it is wise for *you* to complain, but whether it is wise in *us* to submit to the odium, unaccompanied by the smallest accession of security.

The responsibility of the continuance of this sterile and ignoble political ferment which, for some years, has caused such excessive annoyance to this community, was engendered by yourself, and you could not have failed to perceive by the signs, which are so familiar to veteran politicians, that your popularity was waning, and that, with that popularity, your power for good was fast disappearing when one election after another, in rapid succession, told the same story of general dissatisfaction and disgust.

It has always been our aim to maintain inviolable our fidelity to principles, which, though they may be borne down at times by senseless clamor, still remain strong, and which, however they may be misunderstood by contemporaries, will assuredly command that respect and esteem from the better portion of the community who simply look on and smile in derision at *your* simplicity. Such an interest as you assume only provokes a smile from those who survey the field of politics with the serene complacency of critics.

Our admiration for a man's devotion to his friends, and his steady pursuit of his own patriotic duty, which leads him to emulate and imitate, needs scarcely be recalled by.

any word of ours. Political death is not always a sad event; there are times when a man who has served his party and his country with honor, arriving at the maturity of old age, retires from political life

"With all his country's wishes blest,"

having erected for himself, in history and in the estimation of mankind, a monument commensurate with his personal abilities, having accomplished all he could desire, having filled the measure of his country's expectations, and satisfied the yearnings for patriotism, with all the world ready to acknowledge his achieved excellence and his established fame. The grief which surrounds his bier is not entirely the grief of the heart; there is a mixture of pleasure and pride exhibited at such a spectacle, not the less honorable because of the pleasurable emotions which the memory of a great and eventful life should inspire. But when a man of unscrupulous political ambition—a man who is not only ambitious but full of lofty egotism—who talks much of honesty, honor, and reform, yet who would ally himself with any party, for any purpose, for the sake of political preferment—when such a man expires, politically or otherwise, before he has had time to erect a monument to his memory, or who from a lack of intuitive, magical sagacity, or from a shade of jealousy—a feeling so subtle in its operations—or from an undefined apprehension that he may possibly find, even among his own obscure contemporaries, merit equal to his own, which merit he would not have manhood enough to handsomely acknowledge, cannot then indulge in the pleasing thought that his own great and admirable qualities would be recognized by a grateful posterity. Such a man dying goes down to his grave unwept, unhonored, and unsung. A life of misdirected ambition, with its blasted hopes and disappointments, is sad to contemplate.

#### TO THE TAXPAYERS OF SUTTON.

GENTLEMEN: An anonymous circular, issued without date, purporting to be a verbatim copy of the master's report in equity, L. H. Cunliff vs. B. B. Knight & Co., under date of January 5, 1874, is before us, and we herewith append an extract from said circular as follows: "The above is a verbatim copy of the report of the master, pertaining to the valuation of the property of the Manchaug Manufacturing Company, as can be seen by any citizen at the office of the clerk of the supreme court, at Worcester." We will now state that the report of the master, alluded to above as a *verbatim copy*, is unqualifiedly false; it is not a *verbatim copy*, which can be proved to the entire satisfaction of any citizen who will take the trouble to visit the office of the supreme court at Worcester. Would it not have been more honorable to have published the report in its entirety than in the mutilated condition in which we find it? Does it not betray a narrow intellect and perverted education? Again, the report made by the master to the supreme court was not accepted by that honorable body, as a basis for the adjustment of the suit "Cunliff vs. Knight & Co.," as is perhaps supposed.

The author of this valuable document tells you that the valuation of this property, as estimated by the master, was \$1,109,837, besides \$368,315 as value of stock. For fear the two amounts might become confounded, we will dispose of the \$368,315 first. This amount was, with the exception of about \$25,000, which was the estimate placed upon the stock in the town of Sutton, composed entirely of bills receivable, due in Providence, R. I., and stock of manufactured goods in storehouse at Pontiac, R. I., and in the hands of the agent in New York City; neither of which has the board of assessors anything to do with. Thus, gentlemen, as the total amount of this \$368,315 was entirely out of the State, excepting the paltry amount of \$25,000, we will dispense with any further allusion to it. The author of this mighty production tells you that the defendants' appraisers valued this property at between \$750,000 and \$800,000. To prove that the valuation placed upon this property by the appraisers was a correct one, i. e., \$750,000, we will say that the Manchaug Co., in open court, before witnesses, offered to make a present of \$50,000 if any one could be found who would take it off their hands. To prove the utter inconsistency of the valuation placed upon this property by the master, i. e. \$1,109,837, we will present a few facts for your consideration: It is not our intention to take up the items "seriatim," contained in Schedule A referred to, as we do not desire to absorb too much of your valuable time; a few items will suffice. We will take first the item of the new mill building. This is valued for the bare walls at \$200,000; even the gas, steam, and closet pipes are valued separately. The utter fallacy of this valuation, upon the bare walls of a building 310 feet long by 52 feet wide, we shall show you by the annexed letter, written by a gentleman of large experience and undoubted ability to perform whatever he undertakes; a man who has already completed seven different mills for as many different corporations, and who is ready and willing to give bonds for the faithful completion of any and all contracts he may assume, and in addition to the above has already completed one of the largest churches, built of granite in Gothic style, that stands in the State.

FALL RIVER, MASS., February 28, 1878.

CHAS. H. CHASE, Esq., Sutton, Mass. :

SIR: I have carefully made the calculations relative to the expense of erecting a mill of granite as per following dimensions: 310 feet long, 52 feet wide, four stories high, said stories to be, respectively, 36, 32, 28, and 24 inches thick; also two towers to connect with said building, each to be 20 feet square; also picker building 84 by 40 feet, three stories high, making suitable allowance for foundation, as follows: To lay the stone it would cost \$30,824 (this price includes sand and lime necessary to lay the stone, you furnishing the stone; for me to furnish the stone it would cost \$7,614 more). The lumber, including girders and roof complete, of best southern pine, would cost \$26,480. Total cost complete, \$64,918. This will include pier blocks for iron columns, engine bed and cut stone for engine anchors, pumps, &c. You will notice, by a little calculation, that it would take 2,500 casks of lime nearly to do the work, including the plastering.

Respectfully,

H. J. JOHNS.

Thus you will see a difference in this one item alone of a false valuation of \$135,082. We also present for your examination the annexed comparison of the cost of different mills in the State, which, upon a careful consideration, you will see that at the valuation placed upon the Manchaug Co.'s mills by the master—whose experience in matters of that character must have been extremely limited—the mill would cost the owners nearly double what it would in a large city, bearing in mind in the case of city mills all the granite had to be purchased by the cord, whereas, in the case of the Manchaug Mills, the stone was taken from the company's own quarry, at no expense whatever for the material. These facts have been kindly furnished by the companies, taken directly from their construction accounts. It will be observed that included in the list is the New Potamska Mills, of New Bedford, Mass., built entirely of pressed brick, and at a cost of but \$3 per spindle.

Following is a comparison of several mills built nearly the same time with their new or No. 3 mill, and the actual cost of each as taken from their construction accounts:

	Per spindle.
Flint Mill, Fall River, built of granite.....	\$4 00
Wampanoag, Fall River, built of granite.....	3 39
Granite Mill No. 2, Fall River, built of granite (in swamp foundation, costing \$50,000).....	4 00
Stafford Mill, Fall River, built of granite (in swamp foundation, costing \$50,000).....	4 00
Potamska Mill, New Bedford, built of pressed brick.....	3 00
All include cost of gas and steam piping.	
At the master's valuation the Manchaug Company's Mill No. 3, 20,000 spindles, \$200,000.....	10 00

All the other mill buildings are appraised in the same proportion and the same rule applies to all. The blacksmith's shop of the Manchaug Company, a simple one-story building, 25 by 40 feet, and only 12 feet high—not so large as an ordinary corn-crib—is placed at \$4,000. A resident of this town stands ready to give bonds to build it for \$400. Two gas-houses, 30 by 46 each, simply one story high, valued at \$19,000. The same person, amply able pecuniarily and otherwise, will build both of them for \$3,250. Then there are three two-story dwelling houses, built since 1824, valued at \$9,000; the highest possible amount of insurance that can be placed upon them is \$650, and the risk not wanted at that. But why continue? The whole schedule is completely full of such fancied valuation.

We will now call your attention to another class, which in the circular has been studiously avoided. There is included in that valuation a school house, \$2,500; a church, \$4,000; household furniture, \$3,000—which any one knows is not subject to taxation. There is also 600 acres of land included, when every single acre of land owned by the company is 248½. There is a very large proportion of this property which lies outside of the confines of Sutton, over which the board of assessors has no jurisdiction whatever. This fact the compiler of the circular referred to was perhaps ignorant of, thinking that Long Island Sound was the southern boundary of Sutton. There are also several buildings and a stone mill without the limits of the town.

Considerable emphasis is laid upon the statement that the value of this property has been largely increased by the addition of machinery. We will say that while no additions have been made to the machinery, other than to equalize the different departments as to the production, there has, on the contrary, been nearly \$30,000 removed, and either sent out of the State or broken up into scrap iron and sold to the f under-ry. There are still fourteen jacks, valued by the master at over \$18,000, which have been advertised for sale a year, and cannot find a purchaser at any price. We might continue this

comparison indefinitely, but one single statement more and we will close. A large proportion of the machinery of these mills has been running from ten to forty years. Nearly one-half, perhaps, was purchased in 1868, when gold was \$1.56 $\frac{1}{2}$ . It is evident to any candid and unbiased mind that the cost of this kind of machinery has been reduced in price nearly on an average of from 50 to 60 per cent., as the following letter will show. When the large mill, built in 1869, was equipped, they paid for the machinery as follows:

Looms, \$86.00; can be put in now for \$50.00 each.  
Cards, \$200.00; can be put in now for \$120.00 each.  
Slubbers, \$28.00 per spin.; can be put in now for \$16.00 each.  
Speeders, \$20.00 per spin.; can be put in now for \$12.00 each.  
Fine speeders, \$14.00 per spin.; can be put in now for \$8.00 each.

You will notice the price now, as compared with what it was when purchased, is nearly one-half, which you will find verified by the annexed letter:

OFFICE OF THE SACO WATER POWER,  
MACHINE SHOP (JAS. McMULLEN, AGENT),  
Biddeford, Me., Feb'y 8, 1878.

CHAS. H. CHASE, Esq., *Manchaug, Mass.* :

DEAR SIR: In reply to yours of the 4th inst., our price for 36-inch cards, with self-strippers, railway troughs, are \$125 each. Railway heads, \$175 each. Drawing frames, 4 del., 3 into 1, \$350 each. Slubbers, 60 spindles, 16 by 6, \$16 per spindle. Inter. 80 spin., 10 by 5, \$12 per spin. Fly frames, 144 spin., 7 by 3 $\frac{1}{2}$ , \$7.50 per spin. Ring frames, \$3 per spin. Sawyer 40 cts. and pearls 20 cts. per spin. extra. Parr mules, 600 spin., \$2.25 per spin. Spoolers, \$3 per spindle. Slashers cost \$1,600 each; warpers, \$200 each; 40-inch looms, \$55 each.

It is possible, on reflection, the above prices may be shaded a little.

Very truly, yours,

JAS. McMULLEN, *Ag't.*

It must be borne in mind that this machinery has been running ten years, and some of it much longer, yet the valuation of the master is based upon the original and exorbitant price.

We have been kindly furnished with a communication from Ex-Mayor Brown, of Fall River, chairman of the board of assessors, showing the valuation of mill property in that city. This, you will please bear in mind, is when a police department, water works, fire department, and other expensive departments incident to a well-regulated city are maintained. Also a critical examination has been made of the valuation of eight different corporations in the town of Millbury, where we find the total valuation placed upon them is but \$384,800 for the entire property—including mill buildings, machinery, stock on hand, tenements, lands, water power, and all—\$100,000 less for the entire eight corporations than the valuation placed upon this property alone by your own board of assessors, and you will see by a careful comparison that the *Manchaug Mfg Co. are taxed higher per spindle than they are.* These mills are situated on the line of the railroad, while the company have labored under the disadvantage of being three miles from it, necessitating a heavy cost for cartage of their supplies and productions

CITY OF FALL RIVER, ASSESSORS' OFFICE,  
January 8, 1878.

CHAS. H. CHASE, Esq.,  
*Chairman Board Assessors, Sutton, Mass.* :

DEAR SIR: In reply to your inquiry asking for the manner in which the valuation is assessed upon mill property in this city, I would say, viz:

Name of mill.	No. spindles.	Machinery.	Mill build's and lands.	Tenements and lands.	Total.	Per spindle.
Am. Linen Mill.....	84,000	\$706,010	\$332,040	\$76,000	\$1,114,050	\$13 26
Barnard ".....	30,000	250,240	117,760	.....	368,000	12 26
Border City ".....	78,000	645,850	303,930	50,000	999,780	12 81
Crescent ".....	35,000	283,820	133,120	10,000	427,000	12 20
King Philip ".....	38,000	334,560	157,440	30,000	522,000	13 73
Merchants ".....	86,000	727,350	342,280	34,000	1,103,630	12 82
Pocasset ".....	38,000	257,200	113,910	.....	370,410	9 74
Richard Borden.....	43,000	374,540	176,250	72,000	622,790	14 46

The above is the valuation for 1877. Our rule is to value manufactories of cotton goods at \$12.50 per spindle, nearly, in the aggregate. Of course there must be some



little exceptions. I have also given the tenements; enough, I think, for a guide as to our general system of valuation.

Yours, respectfully,

SAM'L M. BROWN,  
*Chairman Bd. Assessors.*

Average value per spindle of the above mills.....	\$10 26
Valuation of Manchaug Mills.....	12 52

The assessors have always met with full board each year in the village of Manchaug for the purpose of carefully examining the condition of this property, and with these facts steadily in view, i. e., a large proportion being situated outside of the town, a large amount not taxable, a still larger amount having been dispensed with, and again the enormous depreciation in the cost of the buildings and machinery, amounting to nearly one-half of its original cost; they believe they will be sustained in the course which they have adopted. They do not believe it is the *intention of the taxpayers* to annoy or *overburden* the industries of the town. Had it been the intention of that company to "parcel out offices as perquisites for favors to be received" they would simply have to acknowledge the receipt of a letter, which they hold, from an ex-officer of this town, of which the following is an extract:

"I am favorable to a reduction in all manufacturing property from its present standard, and would solicit your assistance in my behalf at the coming election."

The letter, of which the above is an extract, was written by a person who is at present identified with others in the production of the circular referred to.

CHAS. H. CHASE,  
*Chairman Board Assessors.*

BENJAMIN L. BATCHELDOR sworn and examined.

By Mr. PLATT :

Question. Where do you reside?—Answer. In Sutton, about a mile from what is called "the Centre."

Q. You are not in what is called the Manchaug corporation quarter?

—A. That is in the extreme southwestern part of the town.

Q. What are your politics?—A. I am a Democrat.

Q. Were you conversant with the election of November, 1878?—A. I was town clerk, and could see pretty nearly what was going on. I am town clerk to-day.

Q. Was any constraint there visible on the part of the Manchaug Manufacturing Corporation toward their employes?—A. Not so far as I could see. Mr. Chase stood at the polls a part of the time, at my request; that is, the voters came up to go through the line to vote, and there was a constable at one end and a constable at the other, while my place would be here [indicating], and Mr. Chase would know the old citizens and some of the new citizens, whom I did not know. We are behind a railing like that which is here [indicating]; there is a little space, with a settee, here, and a constable at each end, and the people are allowed to pass through.

Q. So far as you saw, were the elections fair and the people allowed to vote without constraint?—A. I have never seen any bulldozing in that little one-horse town.

Q. Have you ever heard any complaint of any up to this time?—A. No, sir; not till General Butler started it up.

Q. You do not think there was any?—A. No, sir. I never saw any.

Q. Are you connected with the Manchaug Corporation in any way?—A. No, sir; in no shape, form, or nature.

Q. What is your business?—A. My business has been manufacturing—the shoe business.

By the CHAIRMAN :

Q. You are a Democrat, you say?—A. Yes, sir. I don't belong to his mongrel kind; I am an Abbott man.

Q. Whom did you vote for last fall?—A. I voted for Mr. Talbot.

Q. An Abbott man—a Democrat—who voted for Talbot?—A. I don't take any stock in mongrels.

Q. Did you belong to the Know Nothing organization in 1854?—A. I belonged to the Junior Sons of America, in Pennsylvania. That is in your State.

Q. Was that a political organization?—A. They helped to elect a Democratic senator from our district in Pennsylvania, and he was a man from your town.

Q. Yes, I believe they did. But they were an organization made up against the Democratic party.—A. No, sir; we elected a Democratic mayor ———, in Mr. Steinberg—a Democrat, and a Jew, too.

Q. They took men from the different political organizations. You voted for Tilden?—A. I did. I couldn't vote for Mr. Greeley, because I thought he was a mongrel.

JOHN R. HUMES sworn and examined.

By Mr. PLATT:

Question. Where do you reside?—Answer. In Sutton.

Q. In what part of the town?—A. Near the center; a little to the west, perhaps.

Q. How far from the Manchaug corporation?—A. Three miles.

Q. Are you connected with the corporation in any way, shape, or manner?—A. No, sir.

Q. What position did you hold in the town in 1878?—A. I was one of the assessors at that time.

Q. What are your politics?—A. I am a Democrat.

Q. Were you at the polls in the election of November, 1878?—A. I was.

Q. Was there anything like intimidation, coercion, or constraint of the employes of the manufacturing company by the corporation or any of its agents, so far as you saw or heard?—A. No, sir.

Q. Were they apparently free to vote according to their own judgment and without dictation?—A. Yes, sir.

Q. In your judgment, is the property of the Manchaug corporation fairly assessed there?—A. It is.

By Mr. McDONALD:

Q. You know nothing about the subject of coercion, do you?—A. No, sir. I never saw anything of the kind there.

Q. The Manchaug corporation cast about one-third of the votes that are cast in the town?—A. Yes, sir; I should say that they did.

Q. You had not talked with any of the employes at the last fall election?—A. No, sir; not a word on the subject.

By the CHAIRMAN:

Q. You were elected in the spring of 1878 as assessor?—A. Yes, sir; by both parties. I received nearly every vote for three years.

Q. How did you vote last year for governor?—A. I voted for Abbott and Plunkett. I think Plunkett was the nominee for lieutenant-governor.

By Mr. PLATT:

Q. How long have you been a Democrat?—A. Ever since I first cast a vote.

GEORGE HASTINGS sworn and examined.

By Mr. PLATT :

Question. Where do you reside ?—Answer. In Sutton.

Q. In what part of the town ?—A. I am right in the center.

Q. How far from the Manchaug Company's works ?—A. Five miles.

Q. Do you hold any position in the town of Sutton ?—A. I do ; I am constable, treasurer, and collector.

Q. How long have you held any or all of these offices ?—A. At this next election it will be twenty-five years in succession ; I have been elected twenty-five years.

Q. The office of treasurer and collector is one and the same office ?—A. Yes, sir.

Q. Have you been constable also for twenty-five years ?—A. I have.

Q. What are your politics ?—A. I am a Republican.

Q. You were elected by the votes of both parties ?—A. Yes, sir ; one year I was elected by the Democrats, and the Republicans ran another candidate.

Q. They left you off, but you ran nevertheless ?—A. Yes, sir.

Q. Were you at the polls on the election day in November, 1878 ?—A. Yes, sir.

Q. All day ?—A. Yes ; that is, during all the time of the meeting. I never missed a meeting, I think, either in the spring election or fall election, since I have been elected.

Q. Was there any apparent intimidation, coercion, or constraint by the Manchaug corporation, or any of its officers or subordinates, upon the employes of that establishment on that day ?—A. Not that I know of.

Q. Was the election on that day excited or quiet as compared with other elections ?—A. It was rather more exciting that day, I should say.

Q. Did you observe any more effort on the part of Republicans to carry their point than you observed on part of the Democratic Butler party ?—A. No, sir ; I think all worked pretty smart.

Q. It has been testified by some one here that Mr. Knox (who is now in Canada) scrutinized the votes of the operatives ; compelled them to cast ballots in accordance with the wishes of the owners of the mill ; took tickets from them without their consent, tearing them up and giving them others. One witness (Mr. John O. Parker) testifies that he called your attention to this conduct ; that you turned him off with a laugh ; that he protested against it and you told him to mind his own business. Is there anything in that ?—A. No, sir ; it is false, every word of it.

Q. Are you connected with a manufacturing corporation in any way ?—A. Not at all, only as treasurer and collector in a business way, but in no other way.

By Mr. McDONALD :

Q. Where were you standing on the day of that election ?—A. I sat right at the corner of a settee.

Q. Where the voters passed along ?—A. Yes, sir.

Q. You were not outside where Mr. Knox was ?—A. No, sir.

Q. You did not see anything of what he did ?—A. No, sir.

Q. You do not know what he did ?—A. No, sir ; no more than that he was around. I saw him.

Q. But he didn't report to you what he was doing ?—A. No, sir.

Q. Neither did the other agents of the Manchaug corporation report to you what they were doing ?—A. No, sir.

Q. Therefore you do not know what they did ?—A. No, sir.

The WITNESS. There is one statement that I would like to make, with the permission of the committee. I have noticed in the newspapers that a statement was made here about a row of constables being stationed from the polls.

The CHAIRMAN. That is a mistake; you are the only constable who was there?

The WITNESS. No, sir; there were twelve or thirteen there, but I am the only one who stood at the polls at that time.

Mr. PLATT. You constituted the row?

The WITNESS. Yes, sir.

By the CHAIRMAN:

Q. When they tried to beat you, in the year when you were not nominated, did some of the corporation fellows vote for you or against you?

—A. I can't say.

Q. The Democrats turned in and helped you ?—A. Yes, sir.

Q. Most of the people in the town are employés of the corporation ?—A. O, no.

Q. Most of the voters in the mills are Democrats ?—A. Yes, I think they are.

Q. Then you got the most of your votes at that time from those men?

—A. I can't say that I know the number of votes that were cast by those people.

Q. You are on good terms with those people ?—A. Yes, I mean to be.

Q. You sometimes, when serving writs, put people out of their homes ?—A. Yes, I do my duty.

Q. You have put people out of their houses two or three times in the last year or two, have you not ?—A. Yes, sir.

By Mr. PLATT:

Q. Has there ever been any concert of action between you and the mill-owners there politically, except that you were a Republican and they were Republicans ?—A. No, sir.

The WITNESS. I have seen in the papers (though it may have been false) that Mr. Hutchinson, who was here last week, made a statement that the Manchaug Company bulldozed the voters of the town. I want to say that Mr. Hutchinson came to me and told me that if I voted for the Manchaug Company he would mark me now and forever.

By Mr. McDONALD:

Q. He told you that ?—A. Yes, he told me that.

By the CHAIRMAN:

Q. Did he bulldoze you much ?—A. No.

By Mr. BLAIR:

Q. Has he got you marked ?—A. I suppose so.

By Mr. PLATT:

Q. Have you known of any intimidation other than that ?—A. No, sir.

By the CHAIRMAN:

Q. Is Mr. Hutchinson a Democrat ?—A. No, he is a Republican or a Baker man; he is a sorehead.

Q. He is a Republican though ?—A. Yes, sir.

By Mr. McDONALD:

Q. Are you and he on very good terms politically ?—A. Yes, sir.

WILDER S. HOLBROOK sworn and examined.

By Mr. PLATT :

Q. Where do you reside ?—A. In Sutton Centre.

Q. What is your occupation ?—A. I keep a country store and run the post-office and farm.

Q. Are you connected with the Manchaug Manufacturing Corporation in any way ?—A. No, sir.

Q. How far from its works do you reside ?—A. About five miles I call it.

Q. Were you elected to hold any place in any political organization, in the fall of 1878 ?—A. They chose me as chairman of the Democratic committee.

Q. What is meant by the "Democratic committee"—the Abbott committee or the Butler committee ?—A. I call it the Abbott committee.

Q. As such did you make a canvass of the probable result before the election ?—A. I did.

Q. How did the actual result compare with the result of your canvass ?—A. It came very near it. I have here the memorandum that I made up before the election. [Producing memorandum.] The votes are stated by school districts and are based upon all the information that I could get from the districts with two exceptions, those of Manchaug and the district next to it, which are marked as numbers 6 and 13 in this memorandum. As to those two districts I had to make an estimate from the best information I could get from residents in Manchaug, particularly from those there who were in any way connected with the Butler and Independent movements. I made up my mind that it would be very near an even thing, that is, about half and half. I estimated that there would be about 150 votes in Manchaug. That is what they generally supposed would be polled at a full election, and I supposed that it would be nearly that. I estimated that of that 150 there would be 140 votes cast from those two districts. There is the form that I had. [The memorandum was here exhibited.]

Q. The districts 6 and 13 you divided, and called it equal ?—A. Yes, sir; and just before the election I counted it up and made such changes as I heard had been made, and made that memorandum.

Q. How did the actual result compare with that shown by your memorandum ?—A. I think that the declaration of the vote was: Butler, 171; Talbot, 217. I gave Butler 170 and Talbot 225. Abbott actually received 32 and Minor 11. I gave Abbott 35 and Minor 8. As shown by the memorandum there were 28 votes in doubt. My estimate ran a little over the full vote. I do not know where the 28 doubtful votes I give did go.

Q. Were you at the polls on election day ?—A. Very nearly all day.

Q. So far as you observed was it a quiet or fair election there ?—A. So far as I observed it was. I never saw a fairer election conducted than that of last fall.

Q. Was there any attempt on the part of the officers of the Manchaug Manufacturing Company to coerce or constrain the votes of the people in the mill ?—A. Not that I could see.

By the CHAIRMAN :

Q. You are postmaster ?—A. Yes, sir.

Q. You say you are a Democrat ?—A. I am.

Q. What is the office worth ?—A. It is not worth much—perhaps that is the reason I have it—perhaps \$150 or \$200.

Q. Did you get a circular from the chairman of the National Republican Executive Committee asking you to send on a subscription last year ?  
—A. No, sir ; not last year.

Q. Did you get one the year before ?—A. I was postmaster in 1871, and at that time I did get a circular. I don't know where it came from. But since that time, from 1871 to 1877, about six years, I have lived in Springfield, Mass.; then I came back and took the post-office again.

Q. Did you not get a circular signed by George C. Gorham, asking you for a contribution, last year ?—A. No, sir.

Q. You did not pay anything toward the Republican fund ?—A. No, sir ; I didn't contribute to the general fund.

Q. For whom did you vote for governor last fall ?—A. For Abbott.

Q. Who wanted you to make up this estimate of the vote ?—A. I made it up myself.

Q. Did you report to anybody ?—A. I might have reported it to Mr. Batchelder and one or two others.

Q. Did you report it to any committee in Boston ?—A. No, sir ; I kept that estimate for myself ; I don't think I showed it to more than one or two. I kept it away from the Butler men and didn't let it out, but just wanted to know the fact.

Q. You didn't report it to any one in Worcester ?—A. No, sir.

Q. You simply wanted to know the fact as to what the vote was going to be ?—A. Yes, sir.

Q. You did want to beat Butler ?—A. I didn't expect he was going to be elected.

Q. You preferred Talbot to Butler ?—A. Of the two, yes, I should prefer Talbot to Butler.

By Mr. McDONALD :

Q. In your canvass you set down only thirty-five Democratic votes in that town. Were those all that you thought there were ?—A. Those were all that I could account for as being for Abbott.

Q. What became of the rest of the vote ?—A. It was merged with the Republican and Butler votes. Many of what I call "the straight Democrats" voted for Talbot.

Q. And the balance for Butler ?—A. I know of two who did.

Q. You have put down here as the respective headings for your columns of figures, "Republican," "Butler," "Abbott," "Minor."—A. The Republican is the column for Talbot.

Q. You put into that all who you supposed would vote for Talbot, whether they were Democrats or Republicans ?—A. That was the way.

Q. And into the Butler column all the votes for Butler, whether Democrats or Republicans ?—A. Yes, sir.

A. As to Manchaug, you had to make an estimate ?—A. I had to estimate as to Manchaug, as I was not well enough acquainted with the voters there to sift them out. I made a jump at it.

Q. They all voted at one place, did they not ?—A. Yes.

Q. How do you know that Butler got 71 votes out of the Manchaug village ?—A. I do not. I did not know that there were 16 out of West Sutton ; but then I made that estimate in that way.

Q. You said that afterwards, in comparing the results, you found that Butler got 171 votes. You don't know how many he got out of Manchaug ?—A. No.

Q. Nor how many Abbott got out of Manchaug ?—A. No.

Q. How did it happen that in making this estimate you did not set

down any votes for Abbott in Manchaug ?—A. Because I couldn't find any.

Q. You didn't know how the other candidates stood, only as you estimated ?—A. No.

Q. Could you not as well have estimated for Abbott ?—A. As near as I could learn when I made this estimate, all these Democrats at Manchaug who were considered by us as Democrats were going to vote for either Butler or Talbot. That is why I left the estimate for Abbott entirely out.

Q. You do not know whether Butler got seventy votes or fifty votes, or how many he got in Manchaug ?—A. I could not tell that.

Q. You say that you saw no effort on the part of the superintendents of the Manchaug factory to control the vote there ?—A. No, sir.

Q. You did not see much of anything about Manchaug, did you ?—A. The ballot-box was within a railing, about at this side and about as high as the desk here, and the table was about the same height. I stood on a settee that ran the length of this alley to the polling place. [Indicating.]

Q. Didn't Mr. Chase stand there, too ?—A. No, sir; he stood next to the clerk.

Q. As long as you stood there he stood there ?—A. Perhaps so.

Q. Did you see where Knox was ?—A. He was out to my left.

Q. He was distributing tickets ?—A. As near as I can remember, he was.

Q. Another one of the employes of the Manchaug Manufacturing Company was holding the ballot-box ?—A. John McArthur I suppose you have reference to.

Q. Yes; I have reference to him.—A. He was the chairman of the selectmen. He stood back of the ballot-box; he did not hold it.

Q. He had charge of it ?—A. Yes, sir; he and the other two selectmen.

Q. So that the Manchaug force was pretty well arrayed there, wasn't it, with Knox outside, as a skirmisher, distributing tickets, Mr. Chase standing there at the gangway, where the voters had to pass through, and another of the employes of the company having charge of the ballot-box as one of the selectmen ?—A. Yes.

Q. They did not tell you what they were doing ?—A. It was not necessary.

Q. Did they tell you ?—A. No, sir.

Q. They never made any report to you of what they were doing ?—A. I never asked them for any report.

Q. And you didn't see them bulldoze anybody ?—A. No, sir.

By Mr. PLATT :

Q. One of the selectmen was connected with the Manchaug corporation ?—A. He was.

Q. That was Mr. John McArthur. Were the other two in any way connected with it ?—A. No, sir.

Q. Was there any special sympathy between the other two and the Manchaug Manufacturing Corporation, so far as you know ?—A. Not so far as I can say.

Q. Did you stand as near the ballot-box as Chase did ?—A. I stood a little nearer. He stood in that manner [indicating], the clerk was next him, and I stood here.

Q. Was there anything unusual in the arrangements for voting on that day, or as to the benches between which and the ballot-box the

voters had to pass ?—A. Nothing unusual. It was the same as they had always had it, so far as I could see, for the convenience of the officers, and to have the men pass through the alley in one way while the crowd was to be kept back by this constable.

Q. Is there a post-office at Manchaug ?—A. There is.

Q. Your familiarity with the voters did not extend to Manchaug ?—A. No, sir ; they did not affect me at all, because they hardly ever come up there except on the days of town meetings.

Q. Having estimated how the voters of Manchaug would be likely to vote, and being at the polls, can you say whether they did vote or not ? You explored, generally, the rest of the town.—A. I thought so from the result, and from what few men expressed their opinions, and that it was in conformity with the canvass I had made.

Q. Did they vote in an open ballot-box ?—A. They did.

Q. Was there anything unusual about that ?—A. No, sir.

Q. They voted just as they always had ?—A. They voted just as they always had. Oftentimes men would come along with a ballot folded up in this manner [indicating], when the selectmen would caution the men to put in their ballots with the face open. Where they would have an envelope, that was put in the box and nothing said about it.

Q. Senator McDonald asked you whether the Manchaug corporation force was not pretty well arrayed there that day. Was not the Butler force pretty well arrayed there that day ?—A. They had their positions, and there were a good many of them ; in fact, I didn't consider that there was a great deal for me to do except to give votes to those who voted Democratic.

FREDERICK B. SMITH sworn and examined.

By Mr. PLATT :

Question. You are a resident of Sutton ?—Answer. Yes, sir.

Q. Have you held any office in the town of Sutton ?—A. I was on the board of selectmen for two years.

Q. When did your term of office expire ?—A. In the spring of 1878.

Q. You were there in 1876 and 1877 ?—A. Yes.

Q. Of course you were at the elections in 1876 and 1877 ?—A. Yes, sir.

Q. Also in 1878 ?—A. I was there a short time in 1878.

Q. How much opportunity have the selectmen to control the vote of the town ?—A. Not any that I have ever discovered.

Q. It is their duty by law to take charge of the ballot-box ?—A. Yes, sir.

Q. Have you ever known of any attempt by the selectmen, or any of them, to interfere with or control the voters in the exercise of their suffrage ?—A. No, sir.

Q. Were the arrangements for voting, the benches and the passage-way, the same in 1878 that they were in 1877 ?—A. I think that a settee occupied the place where before there was a rail. They used to climb up on this rail. Then the settee was put there.

Q. Was there any other difference ?—A. That was all.

Q. Do you know what were the politics of the selectmen in 1878 ?—A. Yes.

Q. What were their politics ?—A. John McArthur, the chairman of the board, was a Republican ; Deacon Marble was a Republican, or, I



should say, a Prohibitory-Republican; and John P. Stockwell was a Democrat.

Q. Were they identified with the corporation?—A. No, sir; the farmers there are not.

Q. Were they friendly to the corporation?—A. Hardly.

Q. How long were you at the polls on that day?—A. I think an hour or three quarters of an hour.

Q. In the little controversy that there has been there about the taxation of this corporation, with whom are those two selectmen (Marble and Stockwell) classed, the opponents or the friends of the corporation?—A. They would be classed with the opponents. The farmers, as a rule, are not in favor of the corporations.

Q. At what time were you at the polls?—A. About noon.

Q. While you were there, did you see any attempt, or know of any, open or covert, on the part of the employes of the Manchaug Manufacturing Corporation, to coerce or constrain their hands?—A. No, sir; I saw none whatever while I was there.

Q. Or any effort on their part to make their hands vote differently from the way in which they were disposed to vote?—A. I saw nothing of the kind. I was there only about an hour.

By Mr. McDONALD:

Q. The position of selectman is a very good place for seeing how the men vote?—A. If they vote openly, yes, sir.

Q. The selectman very generally can tell how each man votes as he comes up?—A. If the man votes his ticket right side up, the selectman could hardly avoid seeing that; if the man voted it wrong side up, or in an envelope, it would bother him.

Q. If the Butler, the Democratic, and the Republican tickets were of different kinds of paper, it would be very easy to tell.—A. Oh, yes; it is a very easy place from which to see.

Q. Did you see Mr. Chase there?—A. Yes, sir.

Q. Where was he?—A. He was standing near the end of the railing when I saw him.

Q. Near the clerk who was checking the list?—A. Yes, sir.

Q. Did you see Mr. Knox giving out tickets about the door, or see him there at all?—A. I don't think that I saw Mr. Knox.

By Mr. BLAIR:

Q. Do you know anything about a secret society among the opponents of that corporation on this issue of the taxation of the property of the corporation?—A. I have been told that there was such a society; I know nothing of my own knowledge about it.

By Mr. McDONALD:

Q. The farmers wanted the corporation to pay a tax on its property according to the value of it; was not that the contention?—A. The contention was started by three or four men there who are almost always soreheaded about something. I think that a majority of the farmers there think that the property was fairly assessed.

Q. You say that these two selectmen were put down as members of a farmer's party against the corporation?—A. I did not say so.

Q. Senator Platt asked you that question, and I understood you to assent to it.—A. Not in those words. I answered that they were farmers; and he then asked whether they were friends of that corporation, and I replied "hardly."

Q. Then he asked if they did not belong to the farmer's party as against

the corporation?—A. I don't remember that question. The principal mover in the movement for an increase of taxation is a man named Jess. Wadell. He is the principal mover among those who want an increase of the tax on the Manchaug property.

Q. They claim that the corporation property ought to be assessed at its proper value?—A. They ought to put in better assessors, then.

Q. Do they not claim that the assessment is made by an agent of the corporation?—A. Yes, but I never heard that it was.

Q. It is established that the assessment is made by an agent of the corporation?—A. He is not the only one.

Q. Is he not a man of a good deal of force of character?—A. You have had him on the stand to-day.

Q. That is what I think about him. I ask you whether my judgment about him is right?—A. I should not spit in his face if I met him.

Q. He is a man of a good deal of force of character, of will power. Some witness called him the brains of the corporation. What do you say?—A. He don't draw the biggest salary, and I thought that the brains commanded that.

Q. What do you say about that?—A. Well, the members of the corporation are all friends of mine. It would hardly be fair for me to draw a comparison between them.

Q. You are friendly with the corporation?—A. Oh, I am friendly with everybody.

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EDGAR H. STEVENS sworn and examined.

By Mr. BLAIR:

Question. Where do you reside?—Answer. I have resided in the town of Sutton eight years, and lived at Manchaug Village six years.

Q. Where are you employed?—A. I work in the cotton mill for the Manchaug Company.

Q. How long have you worked for them?—A. Six years.

Q. What are your political sentiments?—A. I have always voted the Democratic ticket with the exception of last fall, when I voted for Ben. Butler.

Q. Did you know at the time anything of the attempt about which Mr. Eli Thayer has testified, to secure the hall of the company for a political meeting in behalf of Butler? If you did, state what you know in regard to that.—A. That was in the fall of the Presidential election.

Q. What occurred then?—A. I was at a meeting of the Tilden club (of which I was vice-president) in the town of Sutton. They brought the question up in regard to the hall; that is, they wanted to secure the hall. I opposed it because I felt this, that we should get refused. I knew that, because I felt that if the application was made on the other side it would be refused. It is a private hall owned by the Manchaug Company. The party said "This will be a good point for us to make; that is, we will ask for the hall and we will get refused of course." They knew that they would be refused at the time.

Q. It was done as a matter of policy, to make a little capital?—A. Yes, sir.

Q. And you opposed its being done, because it was a mere sham?—A. I did.

Q. If you had owned that hall, under the circumstances, would you have let it to political parties?—A. No, sir; I would not.

Q. You have worked for this company some six years, I understand you ?—A. Yes, sir.

Q. What statement do you make as to your having been free in your political action, or otherwise, during the time you have worked for the company ?—A. I have always been free.

Q. What have you done as a Democrat ?—A. I have taken quite an active part as a Democrat, that is, during the Presidential campaign, and also last fall.

Q. Have you ever been a delegate to conventions, or the like ?—A. Yes, sir; I was chosen delegate to the convention at Worcester.

Q. Did you attend ?—A. I did.

Q. Do you know of other men in that company who attended Democratic conventions ?—A. Yes, sir.

Q. Was there ever any interference with you or others in regard to your attending conventions, or giving your time to political affairs ?—A. Never.

Q. How many voters of all parties work for this corporation ?—A. I think about a hundred.

Q. How many Democrats ?—A. I think about fifty, who voted for Butler last fall.

Q. Any who voted for Abbott ?—A. I think there were a few.

Q. You think, then, that the voters there comprise about one-half of each party there, and that Republicans and Democrats are about equal in number ?—A. Yes, sir.

Q. Were you in any particular department of the works, so that you had occasion to know how any certain department or number of the help stood politically ?—A. I have charge of the weaving department in two mills, having about 750 looms; I have under me about 175 hands, among whom there are probably about 21 voters.

Q. What do you say in regard to the political sentiments and action of those voters under you ?—A. I think that out of the 21 there were some 18 who voted for Butler.

Q. For whom did the others vote ?—A. For Talbot.

Q. You succeeded in getting a nearly unanimous vote of those under you for Butler, did you ?—A. I never had anything to say.

Q. Didn't you bull-doze them any ?—A. No, sir; that is not my disposition.

Q. They were perfectly free to vote for Talbot for aught that you did ?—A. Yes, sir.

Q. Was any more effort made to control votes for Talbot than you made to control votes for Butler ?—A. I never saw any.

Q. Do you know of any discharge for political action, or threats to discharge on that account ?—A. I never did.

Q. Or intimations that in any way it would be better or worse for them if they did this or that in political action ?—A. Never.

Q. From your situation, you must have known of this if it had occurred, must you not ?—A. I should have been pretty apt to know of it.

Q. A quantity of testimony has been given here specially directed to Mr. McArthur and Mr. Chase; what is the deportment of those two men toward their operatives in political matters ?—A. I never knew of an instance where they tried to influence them, or tried to change them in any manner whatever.

Q. Or at the polls? Did you ever see any efforts to intimidate them there ?—A. I never saw anything of the kind.

Q. Do you know this Mr. Terrence Kennedy, who has testified here ?—A. Yes, sir.

Q. You know of his removal from his tenement?—A. I do.

Q. Was there, so far as you know or ever heard, any political cause connected with it?—A. Not at all.

Q. What was the cause, as you understood it at the time?—A. I suppose it was because they wanted it for a larger family; that is, he had only one in the mill.

Q. How was it as to the factory having plenty of tenements to accommodate their help in the mill?—A. Sometimes they are short.

Q. How was it at that time?—A. They were short at the time.

Q. What is your title in the mill?—A. Overseer of the weaving department.

Q. What are the political sentiments of the overseers? How many are there, and how are they politically divided?—A. There are ten overseers. I think that one-half of them are Democrats and one-half Republicans.

Q. Did you ever see Mr. McArthur examine the ballots of the operatives at any time?—A. No, sir.

Q. Or Mr. Chase?—A. No, sir.

Q. Were you present at the Presidential election of 1876?—A. I was.

Q. Do you recollect that at the close of the meeting of that day, Mr. Kennedy moved a vote of thanks?—A. Yes, sir.

Q. What was it for?—A. For the efficient manner in which our selectmen had served us the last year.

Q. Had it any special reference to the manner in which they had conducted the election?—A. It had to Mr. McArthur.

Q. Did that vote pass?—A. I think it did.

Q. Was there any strong opposition to it?—A. I did not see much of any.

Q. It passed unanimously, I suppose?—A. Yes.

Q. How did the election of 1878 compare with that of 1876—you being present at both—as to order, quiet, and freedom of action on the part of the voters?—A. I didn't see anything whatever why it was not conducted just as quietly in 1878 as it was in 1876.

Q. Do you know of Republican ballots being sent to the mill for distribution among the operatives, prior to the elections?—A. No, sir.

Q. It was not so?—A. It was not so.

Q. Were the ballots of either party distributed through the mill?—A. No, sir.

Q. About the riding to the polls, was there any discrimination between Republicans and Democrats in that?—A. No, sir.

By the CHAIRMAN:

Q. Where did you get your ticket?—A. At the polls.

Q. From whom?—A. From the man who was distributing them.

Q. A Democrat?—A. I don't know whether you can call him a Democrat or not.

Q. From the Butler man. You voted for Butler?—A. Yes, sir.

Q. How did these five overseers who were all Democrats vote?—A. I think that two of them voted for Abbott.

Q. Then there were three Butler overseers, two Abbott overseers, and five Talbot overseers?—A. Yes, sir.

Q. You say that you thought the hall would be refused; then the matter of asking for it was a sham?—A. Yes, sir; I took it in this light, that the men who owned the hall, being the company, if they had been Democrats would have refused the hall. That was the light that I took it in.

Q. Then you think it is a mistake when Mr. McArthur states here that of anybody connected with the Democratic party other than the one who applied for it had come there and asked for it, he would have got it ?—A. That might have been.

Q. Mr. McArthur swears that if anybody else had applied for it, he would have got it; if that is the fact, then you have been mistaken in your judgment ?—A. That might be.

Q. And the opinion of the rest of the Democratic party there might be correct, that by going to ask for it they would get it ?—A. Yes, sir; I know that at the time the committee was appointed they said it would be a good point if he did not give them the use of the hall.

Q. But they wanted the hall ?—A. Certainly.

Q. Would that be your temper as a man, to refuse the use of a hall to others because they were of a political party other than that to which you belonged ? Would not that look to you to be a little narrow ?—A. Yes, it would be narrow; but they do it right along all the same.

Q. This corporation does it ?—A. Yes, sir.

Q. Have you ever known any other corporation to do it ?—A. I don't know of any.

Q. This corporation is Republican in its control and management ?—A. Yes, sir.

Q. Were there no tickets in the mill on election day that you know of ?—A. Not in my department.

Q. Of what nativity are the operatives there ?—A. Irish and Freuch.

Q. None of the Frenchmen had tickets before election day ?—A. None that I know of.

Q. There was a French speaker there ?—A. Yes, sir.

Q. When did he speak ?—A. I could not mention the day.

Q. How long have you been in the employ there ?—A. Six years.

Q. Do you live in a tenement house or have you your own property ?—A. I live in a tenement house.

Q. How many tenement houses are vacant to-day ?—A. I could not say.

Q. There are some ?—A. I could not say.

Q. Don't you know that there are some ?—A. I could not say that.

Q. Are the tenement houses always full ?—A. I don't know.

Q. Do you know whether they were full last October, all of them ?—A. I think they were.

By Mr. McDONALD:

Q. You say that at this meeting at which it was proposed to request the use of this hall, you opposed it because the hall was a private one. It belongs to a corporation ?—A. Yes, sir.

Q. It does not belong to Mr. McArthur nor to Mr. Chase nor to Mr. Knox, but the property belongs to the corporation. Did you regard that as a Republican corporation ?—A. I did at the time.

Q. It was a Republican corporation ?—A. I supposed so.

Q. And being a Republican corporation, you did not suppose it would let the Democrats have a hall to speak in ?—A. I did not.

By Mr. PLATT:

Q. Something has been said about the speaking in a barn. Is there a room fitted up there for meetings ?—A. There is a hall connected with the barn.

Q. And the barn is connected with a hotel or a private dwelling ?—A. With a private dwelling.

Q. Do they entertain travelers there ?—A. They do.

Q. Do you think that a Republican would be likely to get the use of that hall for a meeting?—A. I don't think he would.

By Mr. BLAIR:

Q. How large is that hall?—A. I should think that 150 could be accommodated in it.

Q. Is it the hall that has been used by the Democracy for holding their meetings?—A. Yes, sir.

JOSIAH LASELLE sworn and examined.

By Mr. PLATT:

Question. Where do you reside?—Answer. In the town of Northbridge, Whitinsville.

Q. At the election of 1878, did you hold any official position in the town?—A. The position of the selectman.

Q. Were you chairman of the board of selectmen?—A. Yes, sir.

Q. Of how many did the board consist?—A. Five.

Q. Give the politics of the members of the board.—A. Three were Republicans, two were Democrats so called.

Q. When you speak of a Democrat, do you mean an Abbott man or a Butler man?—A. I could not define it. They are recognized as having belonged to the Democratic party.

Q. Do you know William Gagin?—A. I do.

Q. Do you remember when he offered to vote at the election of 1878?—A. Yes, sir.

Q. State whether his vote was challenged.—A. It was.

Q. By whom?—A. I think it was by Henry Whitin.

Q. What was done by the selectmen in reference to that challenge?—A. The selectmen, upon consultation, agreed that we should make a test of the party challenged, on the ground of inability to write, by requiring him to write his name.

Q. The law requires it, does it not, in a case of challenge?—A. We so understand. We regard it as being one of the things for which a party is liable to be challenged.

Q. What was done upon that challenge being made?—A. The challenge having been made, we requested Mr. Gagin to write his name. Mr. Gagin was standing right in front of the desk which we usually have at our town meetings. Pen and ink were placed upon the tablet, and he took the pen in hand and proceeded to make sundry characters.

Q. Did he write his name legibly?—A. After having so written, the paper was passed under the inspection of each of the five selectmen. It was then asked if that was, in their opinion, conforming to the writing qualification, and each one of the selectmen said "No." The ballot was thereupon rejected.

Q. It was the unanimous opinion of the selectmen?—A. Yes, sir; the unanimous opinion.

Q. Was what he attempted to write legible?—A. I could not make out the name of William Gagin by any possible construction.

Q. Look at the name written by the witness, William Gagin, in the presence of the committee. How did that which you then saw compare with the specimen now shown you?—A. (Looking at the name written by the witness, Gagin, in the presence of the committee.) This is very plain—"William G. gin." I saw a specimen like this before. He was

duly registered at our spring meeting of the present year. He then appeared before the board of selectmen and there wrote his name and residence and was duly registered.

Q. What did he say at that time?—A. At that time he came into the room where we were assembled, and, as he had been in my employ years ago, I asked him, "William, do you come to be registered?" "Yes," he replied; "I am all right now."

Q. He then wrote legibly?—A. Yes; he sat down and wrote his name, I should think, very much like this; yes, it is the same.

Q. Had he deposited his ballot in the box at the time he was challenged?—A. No, sir.

Q. Had his name been checked?—A. Mr. Whitin, one of the selectmen, says it was not.

Q. Is that gentleman here?—A. He is.

Q. His vote had not actually been put in the box, and was not taken out after the challenge?—A. No, sir; I think that the fact is this: that Mr. Gagin, with his usual impetuosity, moved along by the box with his hand and that I stopped him, and said, "Your vote has been challenged."

Q. What is your age?—A. I am fifty-four years old.

Q. What is your business?—A. My business has been for the last eighteen years with the Holyoke machine shop, and the last fifteen years with the Whitin machine works.

Q. Who are the other selectmen?—A. Mr. Wm. H. Whitin is one.

Q. What is his business?—A. He is the manager of the Whitinsville cotton mills.

Q. Who else?—A. George M. Blanchard; he has a quarry, and works in stone. Samuel Fowler, jr., also a quarryman and farmer; and George H. Bennett, a farmer.

Q. Are they gentlemen of respectability?—A. They are so considered.

Q. Were there other challenges that day?—A. There were.

Q. By both parties?—A. Yes, sir; the first challenge of the day was antecedent to that of Mr. Gagin's. That was the challenge of what was supposed or said—I don't know anything about it—to be a Republican vote by Mr. Dean, a leading Democrat of the town.

Q. Did you not, as far as you were concerned, act in good faith upon the ground that Gagin could not write his name?—A. That was the sole ground.

Q. So far as the others were concerned, do you think that they acted in good faith?—A. I have no doubt of it.

Q. Do you know whether or not, after that time, he practiced at writing his name?—A. I do not. Within a short time after the challenge, two or three days, perhaps, I met him in passing, and said, "William, it's a shame you should not be able to write your name and qualify yourself, a man like you; and if I were you, before next spring election I should practice writing my name so that I should not be disfranchised for any such reason."

Q. What did he say in reply to that?—A. He said, "I guess I will," or at least he made an assent to it; I think that that was his language, and at the next spring election he wrote legibly enough. He wrote about the same as he writes here.

Q. He states in his affidavit that the vote of the selectmen was two in the affirmative and three in the negative. Was that so?—A. No, sir; it was unanimous in reference to every vote taken upon a challenge that day.

Q. You made no such declaration as that?—A. No, sir.

By Mr. McDONALD :

Q. How did his name get upon the registry ?—A. I do not know. I was not a member of the selectmen at that time.

Q. In registering, is it not required that a man shall write his name on the registry ?—A. It was not, I think, prior to 1877. One of the selectmen for the previous year informed me in conversation that they had not insisted upon the writing of the names when making up their registration.

Q. Do you not understand, when you get a copy of the registry, that that is *prima facie* evidence that the persons whose names are upon it can write their names and read the constitution of the State ?—A. It was *prima facie* evidence of the facts except as to the matter of reading and writing.

Q. Why is it not *prima facie* evidence of one fact, if it is of another ?—A. For the reason that at the time the registry was made out, as I have understood from the chairman of the board, it was not since then, a law has been passed requiring the party applying for registration to write his name.

Q. Did not the constitution as well as the law require that every qualified voter should be able to write his name and read the constitution of the State ?—A. Yes, sir ; but it had not been insisted upon in the registering of voters that they should write and read, and it was not actually made a test.

Q. Was not the registry understood to be a registry of qualified voters ?—A. I presume so, but not as touching the point of a reading and writing capacity.

Q. You understood the appearance of the name of a person on the registry as evidence that he was twenty-one years of age ?—A. Yes, sir.

Q. Why did it furnish evidence of that any more than of any other of the qualifications required by the constitution ?—A. For the reason that the matter of making out a registry is of recent origin.

Q. The purpose of the registry is to register qualified voters, is it not ?—A. I suppose so.

Q. The absence of a voter's name from the registry might not be conclusive evidence that he was not entitled to vote ?—A. No, sir.

Q. But the appearance of his name upon the registry would be *prima facie* evidence of his qualification to vote, would it not ?—A. Yes, sir. So that if Gagin had not been challenged, the vote would have been received.

Q. Did any man, in challenging Gagin, state that he knew that Gagin could not read or write ?—A. He challenged him for his inability to read and write.

Q. Did the challenger say he could swear positively to that ?—A. I could not say positively whether he stated that he could or not.

Q. There was no evidence before the selectmen that Gagin could not read nor write ?—A. No ; I remember no evidence of that.

Q. Had you any evidence before you that Gagin could not read nor write other than the effort that he made there ?—A. To that extent, I say, no, sir.

Q. With the pen that you furnished him and with the ink that you had there, he wrote or made marks upon a piece of paper ?—A. He made the attempt to write his name, I suppose.

Q. Do you say that you could not form any letters out of what he had put there ?—A. I say that, knowing his name, " William Gagin," I could not decipher any reasonable representation of that name by the characters which he had made.



Q. He said that that was his name which he had written there?—A. I don't know that he said that.

Q. You told him to write his name?—A. We told him to write his name.

Q. And he was engaged in that effort, as you understand?—A. Yes, sir.

Q. Did you ever see Horace Greeley's signature?—A. I believe I have.

Q. Could you make anything out of that?—A. If I had seen Horace Greeley write it, I should have discerned curves and lines sufficient, should have discerned some formality.

Q. If you did not see him write it, do you think that you could make "Horace Greeley" out of it?—A. I think there are lots of men who could make "Horace Greeley" out of it.

Q. I ask you if you think that you could?—A. No more than I could make out the "William Gagins," but here I knew the writer to be William Gagins and attempting to write William Gagins's name.

Q. You say that in the spring he came in and wrote quite legibly?—A. Yes, sir; I think it was quite legible.

Q. You do not know but that he wrote his name at the time it was put upon the registry?—A. I do not. But it was not obligatory.

Q. Was it not usual to do that?—A. It was not, according to the best of my information.

Q. Did not the persons who registered more usually write their names than not write them?—A. I don't think so, for the reason that the course pursued in our town had been this: Little slips of paper were sent to different parties asking them to return them with their names and residences. In some cases these were written by the parties themselves and in some cases by others, as I am informed by the chairman of the board in a previous year; there being then no imperative obligation by law that the parties should do the writing, as there was in 1878.

Q. But the constitution made it the duty of a man to write his name in order to vote?—A. Yes, sir.

Q. You are quite certain that the ballot was not put in the box before this question was raised?—A. I am.

Q. And quite certain that there was no division in the board?—A. There was no division in the board.

Q. You did not ask him to read, but stopped at this first qualification?—A. We did not ask him to read, because we didn't wish to consume the time; that was sufficient.

Q. After you had asked him to write his name and looked at what he had put on the paper, you did not ask him to read?—A. No, sir; I would say in that connection, that the paper was taken by the board and was in their hands while they were considering it, and that meanwhile Mr. Gagins retired, went off to a remote part of the hall. If the board had decided that that was good writing, we would then have asked the question whether he could read, and I would have put him to the test.

Q. You had a copy of the constitution there on election day?—A. Yes, sir.

Q. You were not in here the other day when he read for the edification of the crowd?—A. No, sir; he read for us in the spring following very well; that is, as well as we could expect of him. He said the ten commandments for us also.

Q. You did not ask him for the ten commandments on the day of election?—A. No, sir; he was uncommonly confident of his ability.

Q. When was it that you met him and told him that he ought to read and write ?—A. It was a few days after the election. I had some little sympathy with the man.

Q. He had been voting there before ?—A. I have no positive knowledge that he had, because I have not examined the record to see.

By Mr. PLATT :

Q. Upon which was the vote taken, whether the vote should be admitted or whether it should be rejected ?—A. My own recollection is this, that in regard to the first challenge that was made we voted whether the vote should be taken or rejected, and my impression is that it was unanimous that it should be rejected. The expression of opinion was at once very open and above-board in regard to Mr. Gagin, that that writing was not satisfactory at all ; and my impression is that there was no formal ballot, that we simply stood around and all agreed that that was not within the qualification required.

WILLIAM H. WHITIN sworn and examined.

By Mr. PLATT :

Question. Where do you reside ?—Answer. At Whitinsville.

Q. What is your business ?—A. Cotton manufacturer.

Q. Were you at the election on November, 1878 ?—A. I was.

Q. Did you perform any duty there that day in connection with the election ?—A. I acted as one of the selectmen of the town of Northbridge.

Q. As such, what did you do ?—A. With one other member of the selectmen, I used the check-list, checking the names.

Q. Do you remember the case of William Gagin, and of his vote being challenged ?—A. I do.

Q. By whom was he challenged ?—A. By Mr. Henry Whitin.

Q. Had Gagin at that time deposited his ballot ?—A. He had not. Mr. Whitin challenged him immediately, as soon as Gagin started for the inside of the rail.

Q. Had his name been checked ?—A. It had not.

By the CHAIRMAN :

Q. What are the politics of the board ?—A. I only know from hearsay. There are three of them who, I know, have been Republicans ; there are two who have always had the reputation of being Democrats.

Q. For whom did those two vote last fall ?—A. I don't know.

Q. You have heard whom they voted for ?—A. I can't swear to what I hear.

Q. Did you hear them say ?—A. I did not. One of them voted a Democratic ticket, one the Prohibitory ticket, and three voted the Republican ticket, if they voted any.

Q. What is Gagin's business ?—A. I can only speak from representation. From representation, he is a liquor-seller.

Q. Had he voted there before ?—A. I presume so, but I do not know ; I never heard any one say ; it is a mere impression.

By Mr. McDONALD :

Q. Did you see the specimen of his handwriting on that day ?—A. Yes, sir.

Q. He was not asked to write but once ?—A. No, sir ; that was sufficient. It took him so long to write that that we thought it was sufficient time certainly.

Q. You were not satisfied with that handwriting and then did not ask him to write any more?—A. Of course not. He took his pen and labored very violently to write something which might be made "William Gaggin." And when we asked him to write his residence, he made several attempts to commence it, tried to make the first letters two or three times, then gave it up and laid his pen down.

Q. The constitution did not require him to write his residence, I believe?—A. No, sir; but it requires him to write.

Q. To write his name?—A. The impression I had was that it required him to write. It may be but the name. We have always required them to write their names.

Q. That first specimen was not satisfactory, but you did not ask him to write again?—A. All the time that he was writing, Mr. Laselle said to him, "Oh, William, you can write it," and spoke to him in an encouraging way, to try to get him to write it.

Q. His name was on the registry?—A. Yes, sir.

Q. Is not that *prima facie* evidence that he can write?—A. Not to one acquainted with the facts of the case.

Q. I ask you is not that *prima facie* evidence that the man whose name appears there can write?—A. Yes; I should say it was.

Q. Did you know anything about the facts of the case before that?—A. I knew by representation, or that it was said that William Gaggin was one of the citizens who could not write. That is what I supposed.

Q. How long was it before the election that that was said?—A. I had not heard it said within six months of the election.

Q. You had heard it said six months before the election?—A. Yes, I had heard that remark made.

Q. How was it that the remark came to be made?—A. I don't know.

Q. It was known that his name was on the registry of voters?—A. Yes, sir.

Q. That was known six months before?—A. I presume so.

Q. No investigation or action was begun to have it stricken off?—A. No, nor as to any other name that was on the registry.

Q. I am not inquiring as to any other name now but as to this one. You say that six months before the election you heard it spoken of that he could not write and you knew that his name was on the registry. No action before the day of the election was taken to have him cited to appear for the purpose of investigating the fact whether he had the qualifications or not, was there?—A. Not to my knowledge.

Q. And the registry came to the election board without any evidence upon it that he was disqualified as a voter?—A. His name was recorded exactly the same as the others.

Q. Then the challenge was made there, and the evidence that was taken by the board was just such as you have given here and no other?—A. It was, so far as I remember.

Q. He is a property-owner there, is he not?—A. I understand him to be.

Q. He had been voting for some time?—A. I don't know; I presume so.

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ROBERT M. THOMPSON sworn and examined.

By Mr. BLAIR:

Question. Where do you reside?—Answer. In Boston, ward 9.

Q. Were you present at the election in November, 1878?—A. I was.

Q. In what capacity?—A. I was present in one of the voting precincts as a representative of the ward and city committee.

Q. Of which party?—A. Of the Republican party.

Q. State what, if anything, you observed in the nature of intimidation, threat, or coercion that day on the part of Republicans.—A. I saw nothing.

Q. Did you see anything on the part of Democrats?—A. Nothing but some rude, boisterous fellows pushing about and making a disturbance, which was a momentary matter and was easily quelled.

Q. Nothing uncommon?—A. Nothing more than the excitement of the day.

Q. Do you recollect of a negro voting on that day?—A. They were nearly all negroes who voted there.

Q. Do you know John A. Fynes?—A. I do.

Q. What was he on that occasion?—A. He was United States supervisor, representing the Democratic party.

Q. Have you seen an affidavit made by him?—A. I have. I know the affidavit.

Q. (Affidavit of Fynes shown.) Do you recognize that as the affidavit to which your attention was previously called?—A. I do.

Q. Mr. Fynes says that while so engaged, that is, in the discharge of his duties as supervisor [reading from affidavit]—

Behind the rails in said precinct one Greene, a colored citizen resident in said precinct of said ward, came up to deposit his ballot; that his name was called out, and said deponent checked off his name upon the voting-list, and said Greene deposited a ballot known as a Butler ballot inside the box. That one R. M. Thompson, of Boston, a resident of said ward, who had been standing at and outside of the rail, with a book known as a precinct-book, which contained the names of the legal voters of the precinct, checking off said voters as they came up and voted, saw said Greene deposit a Butler ballot, and as he passed out between the rails approached him, and pointing his finger at him said, "You need not work for me any more." Said deponent stepped to said Thompson and said, "How's that, Thompson; isn't that intimidation?" To which said Thompson replied, "I said nothing to him until after he had voted." To which said deponent replied, "It is just the same as any intimidation; you have no right to stand here and do any such thing." And further this deponent says none.

JOHN A. FYNES.

Q. Is that statement true or false?—A. It is false, at least in the name.

Q. You may go on and state wherein it is false, and give a correct account of any transaction that did occur which led to a conversation between you and Mr. Fynes that day, and what the conversation was. Give your own account of it fully.—A. In the first place I state this (and I make the statement to show the degree of accuracy with which the affidavit was drawn): The man's name was not Greene. He did not vote the Butler ticket; and he was not discharged. The facts are that a man named Woods was employed by the Warden city committee to distribute ballots.

Q. Was he a colored man?—A. He was a colored man. I discovered in my capacity as a representative there that a number of ballots were being distributed with what we call "Morse pasters." There was a contest for Congressman at that election between Mr. Morse and Mr. Brimmer, when we discovered that Republican ballots with the other candidate's name upon them were being distributed. I made a search for such ballots. The ballots of either side were so clearly marked that there was no mistaking those of the one party from the other. When this man came up to vote he voted a Republican ticket; but something upon his ballot attracted the attention of the ward and city committee—

man, who spoke to him, and then reported to me that this man had one of the Morse-Republican ballots. This all took place in an instant. I spoke to the man; took his ballots from him, and examined his ballots. He said to me frankly that he had voted a Morse ballot. I examined his work, but did not find that any of the ballots had been pasted. I watched him closely, but did not discharge him. Mr. Fynes, who was behind the rails, some distance from me, made some remark to me in an overbearing tone about the matter, and I replied to him in a somewhat chaffering way, what it was I do not remember. I have never seen this man of whom I have spoken from that day.

Q. Was this man employed by you in his ordinary labor?—A. I never saw him before that day, and have not seen him since.

Q. The relation of employer and employed never existed between you?—A. That relation never existed between us. The only connection that there was between us was this, that he was employed by the ward and city committee to distribute ballots, and was paid for that day's work. My report against him, if I had reported that I had found him to be guilty of a breach of duty, would have been sufficient to prevent him from receiving any pay for that day's labor. I did not make any report against him, and he did receive his pay for that day's labor. I did not care to look into the question of how he voted. This man Greene, referred to in the affidavit, was another man who was engaged in distributing the ballots. I did not see Greene vote; did not know how he voted; nor did I care.

Q. Did he ever work for you?—A. He was a waiter at a hotel at which I boarded; but that was two or three years before this election.

Q. Was there any conversation between you and that man during the day?—A. Not the slightest.

Q. Was there any conversation between you and Mr. Fynes in regard to that man's voting, or any on that subject, except as to this man Wood?—A. As to no man except this man Wood. I do not recollect the exact language that he makes use of in the affidavit there.

Q. (Referring again to the affidavit.) He states this, that you approached the man after he deposited the Butler ballot, and as he passed out between the rails pointed your finger at him and said, "You need not work for me any more"; that he (Fynes) stepped up to you and said, "How is that, Thompson; isn't that intimidation?" To that he says you replied, "I said nothing to him until after he had voted." Fynes then said, "It is just the same as any intimidation; you have no right to stand here and do any such thing." That is the way in which he states the conversation between you.—A. With the exception of the reference to the word intimidation, which I do not recollect being made use of, that is in substance what took place. I stepped up to this man and took from him his ballots. We had three or four men distributing. We had given to each one a small number of Republican ballots, and, from time to time, as those were exhausted, we gave them more to take about the room to give to people as they came in. I took the ballots from him and made some expression equivalent to "You needn't work here any more." I did not say "You need not work for me."

Q. You took the ballots from him, found that they were all right, returned them to him and told him to go ahead?—A. I found that they were all right, returned them, and told him to go ahead.

Q. And he worked during the rest of the day and got his pay?—A. He worked during the rest of the day and got his pay.

Q. Have you anything further to state in regard to it?—A. I have come from a distance.

Q. Did you come purposely to meet this testimony?—A. I came purposely to meet this testimony.

Q. From where?—A. From Upper Canada.

Q. You came for this purpose?—A. For this purpose alone. I will add that I saw in the newspaper report some reference to challenging men for their not being able to read and write, and that, in one instance, upon the man writing his name the challenge was withdrawn. I will state just how the work that day was carried on there. There had been given to us what purported to be a list of men who were not proper persons to vote, who were disqualified either because they could not read or write, by change of residence, or for other reasons. Every man whose name was upon that list was warned, when he came to the polls. Upon the question being raised, we stated to him that if the report as to him was a mistake he knew the facts and we did not; that this list had been sent to us, and that if he was acting wrongfully he would get into trouble. We told him, "You know the facts, and if you are all right don't hesitate to vote." There were two or three cases there (though only one has been mentioned here) where those men who were checked when they came forward convinced us that the report against them was wrong, and as to whom, in order to avoid doing any wrong, I took the responsibility and withdrew the challenge. I have no doubt that the man whose case has been referred to here was one of those. The only case in which there was no right to vote was one in which the man could not read or write. I knew that he could not read nor write, and the man was warned but persisted in voting and was arrested.

Q. At whose instance was that?—A. Probably mine. The marshal, who was standing there, had a list equivalent to mine, and I warned this man not to put his vote in, but he did put it in, and was arrested.

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FRANKLIN HAVEN, Jr., sworn and examined.

By Mr. PLATT:

Question. Where do you reside?—Answer. In Boston.

Q. Did you formerly hold any office in the city of Boston?—A. That of United States assistant treasurer.

Q. For how many years?—A. From June, 1868, to March, 1879.

Q. In 1878 had you anything to do with the construction of the post-office building?—A. I was disbursing agent.

Q. Do you know one Burckmyer?—A. Yes; I think he was one of the employes on the building.

Q. Please to read the affidavit of James H. Daily, which I now hand you. [Affidavit shown.] In that affidavit Mr. Daily states that Burckmyer told him, in the presence of Elijah McIntyre, that he was discharged on the 22d of October. Do you know when he was discharged, and why?—A. Elijah McIntyre was discharged. As I understand it this man Daily does not state that the statement was made in the presence of Burckmyer. Burckmyer, I understand, denies any such statement. Burckmyer was not discharged. McIntyre was discharged in July, 1878.

Q. By whom?—A. I caused him to be discharged.

Q. For what reason?—A. Because I was dissatisfied with the way in which he performed his duties; for inefficiency; for the good of the public service.

Q. Do you know his politics?—A. No.

Q. As you understand it, Burckmyer was not discharged at all?

The CHAIRMAN. The affidavit does not so state.

The WITNESS. No; it says that he had been threatened with discharge. It is not true.

EDMUND REARDON sworn and examined.

By Mr. PLATT:

Question. What is your business?—Answer. I am a soap and candle manufacturer.

Q. Employed by whom?—A. I am in business for myself.

Q. Do you know Thomas Howland?—A. I did know him. He is now dead.

Q. When did he die?—A. Within ten days.

Q. Did Thomas Howland have any work to do for you last October?—A. Last October I employed him for a couple of months in superintending the building of the manufactory for us.

Q. At what time did he finish his job?—A. Somewhere from the 10th to the middle of November.

Q. Do you know whether, prior to that time and about election time, he was discharging hands because the work was being nearly completed?—A. He was for at least two or three weeks prior to the final ending of the job. As the walls were closed in he discharged the men.

Q. You do not know anything about the discharge of Martin O'Connor?—A. I don't know that we have had such a man in our employ.

Q. You do know that at about election time Howland was finishing his job and was discharging several hands?—A. Yes, sir.

HORATIO N. SLATER, Jr., sworn and examined.

By Mr. BLAIR:

Question. Are you the Mr. Slater of the Slater manufacturing concern, or Slater Woolen Mills?—Answer. I am treasurer of the several concerns.

Q. You are the son of the president?—A. Yes, sir.

Q. Where is your father at the present time?—A. Somewhere in Great Britain, I think; probably in London at this time.

Q. How long have you been connected with the business of these mills?—A. About twenty years.

Q. What would you say as to there ever having been any intimidation whatever, and more particularly within the last three years, by any of your subordinates upon the employes of the corporation in political matters, or, in fact, in any other matters?—A. I have never known of any cases of the kind; have never suspected any.

Q. Had you ever heard, until this investigation, of reports of that kind current among the people there?—A. No, sir.

Q. Were you present at the election last autumn?—A. I was not. I reside in Rhode Island.

Q. Do you know, as a matter of fact, that a political meeting at Manchaug was addressed by General Butler?—A. I remember that there was such a meeting. I remember seeing General Butler on the train going to Webster.

Q. State whether or not on that occasion you stopped the works in town?—A. I was not there on the afternoon of the address. I was there during the day, but returned to Providence on the afternoon train. This address was in the afternoon.

Q. State whether the mills ran on that day or practically were stopped.—A. They practically were stopped in order to give the people an opportunity to go and hear the general speak. There was no direction, but the mills were practically stopped and those who wished to go and attend the meeting were free to go.

Q. Would the mills have been stopped if this meeting had not been held?—A. No, sir; not in Massachusetts, where they run ten hours at best. We have to make every hour that we can, like other people.

By the CHAIRMAN:

Q. Where do you reside?—A. I reside in Rhode Island; I am not at the mills.

Q. Was this meeting held on a Saturday?—A. I am quite sure that it was not on a Saturday, for the reason that our mills stop at four o'clock on Saturday; that is my recollection.

Q. All you know is that the corporation gave no orders for the control of voters?—A. None of any description nor in any way.

WILLIAM BADGER sworn and examined.

By Mr. PLATT:

Question. Where do you reside?—Answer. In Lynn.

Q. What is your business?—A. I am now janitor of the post-office.

Q. Were you such in October last?—A. Yes, sir.

Q. Have you seen the affidavit of James H. Daily with reference to what you are alleged to have said to a man named Burckmyer?—A. I have.

Q. The affidavit states that "Isaac Birkenmeyer, who is employed as a porter in the United States post-office building, told me that Mr. Badger, the janitor of said building, under whose control said Birkenmeyer is, told him (Birkenmeyer) that if he voted for General Butler at the coming election he would be discharged." Did you tell Burckmyer any such thing?—A. No, sir.

Q. Anything like it?—A. Never.

Q. Is Burckmyer here?—A. Yes, sir.

Q. Was he discharged?—A. Never. He is in the employ now.

Q. Do you remember having had any conversation with him on the subject of how he was going to vote?—A. No, sir.

Q. Did you have anything to do with the employment or discharge of the men?—A. No, sir.

Q. Did you talk with any of the men about what would happen to them if they voted for General Butler?—A. No, sir.

Q. Was McIntyre a workman on the post-office building on the 23d day of October, 1878?—A. No, sir.

Q. Had he ever been?—A. Yes, sir.

Q. In what capacity?—A. As a porter.

Q. When was he discharged?—A. He was discharged, I think, about the 25th of July, 1878.

Q. For what?—A. He was discharged by orders from Washington, through the custodian. I have nothing to do with the discharging.



Q. Do you know what he was discharged for?—A. I believe they call it inefficiency in his business.

Q. Had he been re-employed there on the 22d of October?—A. No, sir; he has never been there since to my knowledge.

By the CHAIRMAN :

Q. You do not know whether Burckmyer did tell Daily this or not?—

A. I can't say that. I know that I never told him so.

Q. Nobody, then, was discharged for voting for Butler?—A. Not that I ever knew of.

Q. You often heard talk in the corridors and about the the post-office about General Butler during last fall?—A. Of course. There was some talk about my discharging this McIntyre at the time, but nothing was ever said about politics. I never exchanged a word on that subject with any men under me.

Q. All the men who worked at the post-office were not for Butler?—A. I don't know.

Q. Did any of them vote for Butler?—A. I never heard whether they did or not; never asked them.

Q. You voted for Talbot?—A. I did.

Q. It was generally understood there on the post-office building that all the employes were free to vote for whom they pleased?—A. So far as I know, they were.

Q. No orders to the reverse of that were ever given out?—A. Not to my knowledge.

Q. You never told anybody that they would be discharged if they voted for Butler?—A. Never.

ISAAC BURCKMYER (colored) sworn and examined.

By Mr. PLATT :

Question. Where were you employed last October?—Answer. In the post-office building.

Q. What were your duties there?—A. A porter, sweepings, and so on.

Q. Did you ever tell James H. Daily that Mr. Badger, the janitor of the building, had told you that if you voted for General Butler at the coming election you would be discharged?—A. No, sir.

Q. Did Mr. Badger ever tell you any such thing?—A. No, sir.

Q. And you never told Mr. Daily any such thing?—A. No, sir.

Q. Did you ever tell him you were afraid to subscribe to that statement by reason of Badger's threats?—A. No, sir; I never told him any such thing or anything like it.

By the CHAIRMAN :

Q. Did you go to any office at any time with Mr. Daily about this matter?—A. Yes, sir; they threatened to punish me if I didn't sign it, and have me discharged, and he would pay me if I went there.

Q. You did go?—A. I went there to report to him. They threatened my discharge if I didn't sign it.

Q. What paper was it?—A. I suppose it was this affidavit.

Q. Was it not a paper in reference to General Butler?—A. A paper in reference to having been discharged.

Q. Tell the committee what it was about.—A. I can't relate the circumstance.

Q. Why?—A. I don't recollect it.

Q. What did it begin about?—A. It commenced about getting McIntyre a situation. This election affair had nothing to do with the first conversation at all.

Q. What were they going to punish you for?—A. Why, if I didn't sign this paper to say that Mr. Badger threatened my discharge.

Q. Who was going to punish you?—A. I don't know. They said they would have me discharged from the post-office building. I suppose it was this Daily crowd.

Q. They bulldozed you?—A. I suppose so.

Q. They took you down there and threatened they would have you discharged if you did not sign the affidavit?—A. Then the next day he came up to my house and said he would pay me for my time. I asked him about it afterwards and he said nobody knew anything more about it.

Q. You did go?—A. The first day I went.

Q. Because he threatened to have you discharged?—A. No; I went with him to report that he threatened to have me discharged.

Q. To report where?—A. To report at the same office that he wanted to have me sign at.

Q. To whom did you report it?—A. I didn't, I had no opportunity to do so.

Q. Did you report it to Mr. Badger?—A. I said no more about it. He asked me to say no more about it.

Q. Did you think that Daily could have you discharged from the post-office?—A. I thought he might say something about it.

Q. You thought that Daily would have influence with the men who employed you?—A. No; I didn't think that.

Q. Still you went?—A. I thought that I would go to have it known that he had threatened me.

Q. And he went with you because he wanted you to inform him, but you didn't report it to the post-office?—A. No, sir.

Q. Why didn't you tell on him then?—A. I thought I would tell on him at the office.

Q. Did you tell on him there?—A. No, sir.

Q. Then he came after you the next day?—A. And I didn't go.

Q. You didn't say anything to him at the house?—A. The next day I went.

Q. You did go? What did you tell him then?—A. I told him he was not discharged for voting for Butler or anything of the sort; that he was discharged on another occasion.

Q. You didn't tell Daily, then, that Badger had threatened that if Burekmyer voted for Butler that he (Burekmyer) would be discharged?—A. No, sir; he said that.

Q. Mr. Badger never did tell you that you would be discharged?—A. No, sir.

Q. You did not vote for Butler?—A. No.

Q. Did you never tell anybody that you were going to vote for Butler?—A. Nobody.

Q. You did not tell anybody that you were afraid to sign a statement that Badger had threatened to discharge you if you voted for Butler?—A. No, sir; I never told anybody yet.

Q. Who recommended you when you got in the post-office?—A. I got in without a recommendation.

Q. Who appointed you?—A. I had no appointment.

Q. Who employed you?—A. Mr. Shaw.

Q. Who is Mr. Shaw ?—A. The custodian of the building.

Q. Is he the man who hires and discharges people ?—A. Yes, sir.

Q. You say you went to this office ; do you know where it was ?—A. In Pemberton Square.

Q. Who was with you ?—A. A stranger and McIntyre.

Q. And this man Daily ?—A. There were only two persons.

Q. Did you know Daily ?—A. I suppose it was the same person ; I don't know him.

Q. It was the same man who came back the next day and offered you money if you would keep quiet about it ?—A. He offered me money if I would go to sign the affidavit.

Q. How much money did he offer you ?—A. He didn't offer me any particular amount.

Q. In what part of the city do you live ?—A. No. 4 Stanhope Place, off Philip street.

CHARLES W. CURRY sworn and examined.

By Mr. BLAIR :

Question. Where do you reside ?—Answer. In Medford. I am now stopping at Wenham.

Q. What is your father's name ?—A. Daniel Curry. He resides in Chelsea.

Q. What is his business ?—A. The oil business.

Q. What is the present state of his health ?—A. He is confined to the house, and the doctors say he is going to have softening of the brain ; that it is coming on.

Q. He is not able to be present to-day ?—A. He is not.

Q. How long has he been in that condition, or how long since he attended to business ?—A. He has not attended to business for six months, or somewhere thereabouts.

Q. Are you now in charge of his business ?—A. Yes, sir ; myself and partner.

Q. For how long have you had charge of it substantially ?—A. For a year I have done the greater part of the business that my father did when he was well. He ran the factory, and I have looked after that since he was confined to the house.

Q. Has a negro been in your employ for the last twelve or fifteen years ?—A. I cannot state the number of years, but one has been in their employ.

Q. What is his name ?—A. Robert Gray.

Q. Is he the same who has testified here, as far as you know ?—A. Yes, sir.

Q. State whether he is now in your father's employ.—A. I am a member of and interested in the concern. He is not at work for me ; I discharged the man last Saturday night.

Q. State the reason why he was discharged.—A. On Saturday morning I got to my factory and had to go to another place at half past eight. He had gone to another place with a load of goods, and I thought that he was gone longer than he ought to have been. He was saucy then, and I said nothing, but made up my mind that I would discharge him on Saturday night.

Q. What did he say that was saucy ?—A. What he said to me was that if I wasn't satisfied with him I had better get somebody else to

drive my damned old plugs. Upon that I made up my mind to discharge him. In Salem, on Monday, I learned from another source that he was driving my team. I came to Boston, and on Tuesday morning sent word to the store not to let that boy take the team out. My boy went in—Gray was there—and informed him he could not take the team out. Gray said he would. He went in a house near by and said he would make it hot for us; that he was going somewhere to testify.

By Mr. McDONALD :

Q. You are not giving this as something that he said to you ?—A. I have not seen the man.

Q. You are stating what somebody has told you about it ?—A. I am stating the information that I received from somewhere else.

Mr. BLAIR. The witness is stating the reason why he discharged the man.

Mr. McDONALD. No, he is merely giving what somebody has told him.

The WITNESS. It is only hearsay with me.

By Mr. BLAIR :

Q. Have you seen him since ?—A. I have not.

Q. Not since your conversation with him ?—A. I left word with my foreman to discharge him on Saturday night.

Q. That resolution was formed last Saturday ?—A. It was.

Q. You say you had had difficulty with him before ?—A. I had.

Q. What have been your objections to him ?—A. I think he is a lazy man ; that he loaf's, and that he don't always tell the truth. Of course I have other business to attend to, and I can't follow him around to see whether he tells the truth or not, but he is not a capable man to attend to my business.

Q. For how long a time have you been dissatisfied with him ?—A. Either two or three years ago he was discharged, and my father took pity on him and said he could go back to work again. I said he could not, but he came to me and asked my forgiveness for something that had happened.

Q. But he went to work, and has been working more or less since then ?—A. I discharged him on Saturday night, and told him he might look for another job on Saturday week, but he got doing a little better, and I kept him.

Q. Had his political action anything whatever to do with his discharge ?—A. Nothing, as far as I am concerned.

Q. Do you know what were his politics formerly ?—A. I guess he would vote most any way, for the party that would pay his taxes.

Q. For whom did you vote last year ?—A. I voted for Butler.

Q. You are a Butler man ?—A. I was last year.

Q. Did you know anything about this investigation or of his testifying here at the time that he was discharged, or the time at which you resolved to discharge him last Saturday ?—A. I knew nothing of it until I saw, yesterday morning, in Chelsea, about some men there in Chelsea engaged in different business being here, and bringing his name up in connection with the matter. I knew nothing of his testimony until I read it in yesterday morning's paper.

Q. Then neither his voting nor this investigation had anything to do with the discharge of that man from employment ?—A. No, sir; not that I know of. I have six or seven men who vote. I asked those men if my father had ever said anything to them in regard to their voting. They said no. It is very funny if he would go to one man and say any-

thing and not say anything to any of the rest of them, when they are all naturalized citizens.

Q. Do you know how this Gray voted last October?—A. I do not. I didn't go to the polls to see him throw his vote.

Q. You did not discharge him nor feel much provoked at him for voting?—A. If I had, I think he would have been discharged long before now.

Q. Is your father much accustomed to taking part in political affairs?—A. No, sir; he has always had so much business to attend to that he has left political affairs alone. He has always had plenty of chance to get into office if he pleased, but he never solicited anything of the kind.

Q. There are how many members of your firm?—A. Three.

Q. What are your father's sentiments?—A. He is a Republican.

Q. You voted for Butler? How do you think the other one of the firm voted?—A. I think he voted for Talbot. 'He is now on his vacation; so that I cannot speak for him.

By the CHAIRMAN:

Q. You do not know what your father's politics are?—A. I cannot say—well, yes, sir; he voted the Republican ticket. That's what he talks on.

Q. You do not know that he did not say this that has been testified to as having been said by him?—A. It don't seem hardly possible.

Q. You were not there to hear it?—A. No, sir.

Q. You only judge about it?—A. I only judge about it.

By Mr. McDONALD:

Q. You are now stopping at Wenham?—A. Yes, sir; I go to Wenham every night. I went to Wenham on Saturday night, came to Boston, and was at my factory yesterday (Tuesday) morning.

Q. At what time?—A. Between eight and nine o'clock; my train gets in at half past eight, and my man is at the depot to meet me.

Q. Then you got back to your factory about nine o'clock?—A. Somewhere thereabout.

Q. You were not at Chelsea nor at your factory from Saturday afternoon until yesterday morning at nine o'clock?—A. I was not.

Q. You don't know what took place at Chelsea only from what you have been told?—A. Only from what I have been told.

Q. Just how this discharge took place on Tuesday morning you do not know, except as you have been informed?—A. Yes, sir; that is all.

CHARLES HEYWOOD sworn and examined.

By Mr. BLAIR:

Question. Do you reside in Gardner?—Answer. Yes, sir.

Q. You are president of the national bank there?—A. Yes, sir.

Q. There is but one national bank there?—A. Only one.

Q. Are you connected with the manufacturing interests of the town also?—A. I have been.

Q. Are you now?—A. No, sir.

Q. State whether or not you have made an examination of the books of the bank; and, if so, whether there has ever been any pecuniary transaction between the bank and one Warren Newell.—A. There has not been. We never heard the name until yesterday.

Q. Do you know of any such man?—A. From inquiries that I made last evening I am satisfied that I have seen a man by the name of Newell, though I did not know his name at the time.

Q. What was his occupation?—A. He was a carpenter. It was some time last year.

Q. Did you make inquiries to ascertain where he was boarding?—A. He was boarding with one Perham.

Q. Do you know where he is now?—A. I do not.

Q. You say that there has been no deposit in your bank for this Newell, nor any transaction whatever between him and the bank?—A. I do.

Q. The witness, Jonathan A. Perham, states that he lived in Ashburnham, voted in Gardner last fall; that Newell boarded with him; that Newell came in and threw a bundle of bank bills upon the table, saying that there was fifty dollars which he had received from the national bank, and that he, Perham, could have ten dollars of it if he wanted it. Can such a statement as that, so far as it concerns the bank, be true?—A. It has no foundation at all.

Q. Do you know anything about where Newell now is?—A. No, sir.

Q. Do you know anything of this Mr. Perham?—A. I knew a Perham. I don't know his given name, who is a stone-cutter. I have not seen him for a year or two perhaps.

Q. What is his standing in the community?—A. I don't think that any one knows much about him.

Q. Did you ever hear any one say anything as to whether he could be believed or not?—A. I heard—

Mr. McDONALD objected. [To the witness:] If you know what his character for truth and veracity is in the neighborhood in which he lives, you can speak of it.

The WITNESS. I do not.

Mr. BLAIR. You do not know whether he has any character or not? [Not answered.]

By Mr. McDONALD:

Q. You are not very well acquainted with Mr. Perham?—A. No, sir.

Q. You simply know the fact that such a man lived there about that time?—A. I know that such a man has been in town; I do not know that he has been a resident.

Q. You did not know that such a man had been in town until you made the inquiry?—A. No, sir; I knew him to be at work there.

Q. You know nothing about what took place between him and this other man?—A. No, sir.

Q. You have ascertained that Newell boarded at Perham's when he was there?—A. That there was a man by the name of Newell who boarded at Perham's some time last year.

Q. Some time last season?—A. Yes, sir.

IVERS WHITNEY sworn and examined.

By Mr. BLAIR:

Question. You reside in Gardner, and are one of the overseers of the poor of that town?—Answer. Yes, sir.

Q. You were such last year?—A. Yes, sir.

Q. Do you know Mr. Albert Sanderson?—A. Yes, sir.

Q. Do you know of any effort to influence or control his vote last year?—A. I do not.

Q. Did you ever hear of any until this investigation? And, if so, state what you have understood.—A. An article came out in the Boston Globe last winter accusing the overseers of the poor of changing his vote. That was the first information I had about it.

Q. Was there any truth in that accusation?—A. No, sir.

Q. Was there, to your knowledge, any conversation with Mr. Sanderson by any of the overseers of the poor in regard to his vote at any time?—A. There was twice, I think, while he and I were having some business together. In the course of the conversation that subject came up, but there was very little said upon it, and he didn't tell me for whom he was going to vote, nor did I ask him.

Q. Who is Albert Sanderson?—A. He is the master of the almshouse.

Q. Is he a man of character and independence, or otherwise?—A. We considered him such, or we shouldn't have him there.

Q. Of how many individuals does he have charge?—A. There are fifteen or sixteen there now, I believe.

Q. Do you know how he did vote?—A. He told me, I think, on the day before yesterday, how he voted; that was the first that I knew about it.

Q. You never knew until then?—A. No, sir.

Q. You never asked him how he designed to vote?—A. No, sir; I did not consider that that was any of my business.

Q. Did you ever, directly or indirectly, try to influence him?—A. No, sir.

Q. Did either Mr. Eaton or any one of the other overseers to your knowledge?—A. Not to my knowledge.

Q. I find in an issue of the Gardner News of January 11th, 1879, a quotation from the Boston Globe, with a statement by yourself and Messrs. Eaton and Wood, overseers of the poor of Gardner, and also a statement by Mr. Sanderson in reply. Examine the article which I now show you and state whether you recognize that which appears over your name as an article which you wrote, or authorized to be written and published, and, if so, whether its statements are true.—A. (After referring to newspaper article.) Yes; I signed and authorized that statement.

Q. Do you recognize the statement which accompanies it, signed by Mr. Sanderson?—A. Yes; I saw that in the paper.

Q. He made a statement, did he?—A. I understood so; I was not present.

Mr. BLAIR. We wish to put in the statement by the overseers of the poor as it appears in the newspaper, and pass on.

[The newspaper article containing the comments of the News and the statements referred to, here ordered to be inserted, is as follows:]

#### SOME BULLDOZING IN GARDNER.

[From the Boston Globe.]

In Gardner, as in so many other towns, the town functionaries were active opponents of Gen. Butler. Albert Sanderson is master of the poor farm there, and during the campaign he was an enthusiastic Butler man. He contributed to the Butler campaign fund, and did what he could to induce the voters of the town to support Gen. Butler. On Saturday, November 2, the overseers of the poor went to the poor farm and had a talk with Mr. Sanderson on the election. What they said to him has not transpired, but immediately after the talk Mr. Sanderson announced that he was an anti-Butler man. The inference to be drawn from this sudden change in opinion is too obvious to need comment.

The above is given by the Globe as among the two hundred cases of bulldozing in Massachusetts which will be presented to the Blaine Congressional Investigating Com-

mittee by Gen. Butler. It is probably a fair sample of the whole, and that the principal and important charges which it contains are entirely false will appear to every intelligent reader after a perusal of the following letters from the interested parties:

"EDITOR OF THE NEWS: We see by a statement in the Boston Globe, January 6, that the overseers of the poor of Gardner went on Saturday, the 2d day of November, 1878, to their poor farm and had a talk with Mr. Albert Sanderson on the election, which is false. We were at or near our houses all of the day excepting a while in the afternoon, when we met at the house of Ivers Whitney, one of the undersigned, for the purpose of receiving and paying bills against the town of Gardner and doing any other business that might come before us. We have never said anything to Mr. Sanderson concerning that election which might intimidate, coerce or influence him in any way in regard to voting, not to our knowledge, nor have we ever had any intention of doing so.

"IVERS WHITNEY,  
"CHARLES EATON,  
"LYMAN F. WOOD,

"Overseers of the Poor of Gardner.

"GARDNER, January 10, 1879."

"EDITOR OF THE NEWS: In reading the Boston Globe of January 6, I find I am represented as a bulldozed man of Gardner, and one of the cases to be presented before the Blaine committee. In justice to the board of overseers of the poor and myself, I will say that they did not by word or act attempt to bulldoze me, neither did any one else. The board did not meet at the town farm November 2, and I do not know what the political sentiments of all the board are. I contributed to the Butler fund in this way: A friend came to the farm and gave me a Boston Globe, and told me that E. D. Howe was having seventy-five dailies sent to him. He said I could have a copy if I would call at Mr. Howe's office. I called and made my errand known to E. D. Howe, and he told me I could have a copy, and then he asked me to help pay for them. I asked him how much he wanted me to pay, and he said one dollar. I gave him fifty cents. This is the history of my contribution to the Butler campaign fund. I did talk Butler, and thought some of voting for him, but being a hard-money man, and rioting and mob law were so prominent among Gen. Butler's followers, that I became disgusted and made up my mind to vote the Republican ticket, as I always have.

"Yours respectfully,

"ALBERT SANDERSON.

"GARDNER, January 10, 1879."

The Butler cause must be in a very deplorable condition when men are obliged to resort to such false and transparent charges as here given in order to keep it afloat. If Gen. Butler desires the support of honest and upright men, he should at once make an effort to weed out the malicious falsifiers who are numbered among his agents in this State. No man can achieve any permanent success on the basis of fraud and deception.

By Mr. McDONALD:

Q. Who appoints Mr. Sanderson for that place?—A. The overseers of the poor make a written contract for one year. He is the party with whom we have made the contract.

Q. Upon the expiration of the year, you make another contract and make it with him, if you please to do so, and if not, with somebody else; so that at the end of each year he is subject to be removed?—A. Yes, sir: by the overseers of the poor.

Q. You say that, last year, you were there on one or two occasions and had some conversation with Mr. Sanderson?—A. Yes, I happened to be with him twice when the subject came up.

Q. When something was said about the political prospects?—A. Yes.

Q. In that conversation, did you not inquire of him how many Butler men there were on the farm at work there?—A. No, sir. He had one hired man, but I don't think that that man was a voter.

Q. You think there were no hired men on the place then who were voters?—A. None who were voters.

Q. Were not some men engaged there in chopping wood for the farm?—A. Mr. Sanderson hired some wood, or we gave him leave to have some cut until he could carry it off.

Q. Was not some person there then cutting?—A. There was a man. I didn't know it until afterwards. One day I happened to be there; I



think I had had Mr. Sanderson to make some cider for me, and the purpose for which I went there was to see whether he had it made or was going to make it; it was a rainy day, and there was a man in the cider-mill there talking with him.

Q. At work?—A. No, not at work; he was talking with him. Within a few days I saw by the journal that he was chopping some wood. Well, I understood that he was chopping some wood, but how much Mr. Sanderson gave him to chop or how much he did chop I didn't know.

Q. In this conversation, didn't you understand as between Butler and Talbot how Mr. Sanderson was?—A. Mr. Sanderson, in his talk, spoke about who he was going to vote for and about Mr. Butler, and I think he made the remark that all or nearly all north of the common in Gardner would vote for Mr. Butler, when Mr. Kemp asked him for whom he was going to vote, and Mr. Sanderson answered him by saying that he should vote for the man whom he thought when the time came it was right to vote for.

Q. At that time, was not Mr. Sanderson understood to be a Butler man?—A. I rather mistrusted it, but I didn't ask him.

Q. Just before the election, did he not turn around the other way; was he not almost as suddenly converted as was Saint Paul?—A. I don't remember how suddenly.

Q. Do you not remember about a very sudden conversion taking place?—A. It was said that—

Q. (By the CHAIRMAN:) He talked for Butler and voted for Talbot; was that what was said?—A. I guess that's what the people said. They said so and so.

Q. What were your politics and those of the other members of the board?—A. Mine are Republican.

By Mr. McDONALD:

Q. How is it with the other members?—A. One of them, I think, is Republican; the other, I have understood, is a Democrat.

Q. You understand that the other is a Democrat?—A. He and I never had any talk so that I could tell.

Q. He is a Democrat who keeps pretty shady; is that it?—A. I never was smart enough to find it out.

Mr. McDONALD. Then he cannot be much of a Democrat.

ALBERT SANDERSON sworn and examined.

By Mr. BLAIR:

Question. You live in Gardner and are the Albert Sanderson spoken of in this testimony?—Answer. Yes, sir.

Q. Listen to that which I now read to you [reading]:

"EDITOR OF THE NEWS: In reading the Boston Globe of January 6, I find I am represented as a bulldozed man of Gardner, and one of the cases to be presented before the Blaine committee. In justice to the board of overseers of the poor and myself, I will say that they did not by word or act attempt to bulldoze me, neither did any one else. The board did not meet at the town farm November 2, and I do not know what the political sentiments of all the board are. I contributed to the Butler fund in this way: A friend came to the farm and gave me a Boston Globe, and told me that E. D. Howe was having seventy-five dailies sent to him. He said I could have a copy if I would call at Mr. Howe's office. I called and made my errand known to E. D. Howe, and he told me I could have a copy, and then he asked me to help pay for them. I asked him how much he wanted me to pay, and he said one dollar. I gave him fifty cents. This is the history of my contribution to the Butler campaign fund. I did

talk Butler, and thought some of voting for him, but being a hard-money man, and rioting and mob law were so prominent among General Butler's followers, that I became disgusted and made up my mind to vote the Republican ticket, as I always have.

"Yours respectfully, ALBERT SANDERSON."

Did you make or authorize that statement to be made?—A. I wrote it.

Q. That is all true, is it?—A. It is all true.

By Mr. McDONALD:

Q. When was there a meeting of the board of overseers at the town farm?—A. The law of the town authorizes the board to meet once in three months. I think it commences on the last Saturday of May and runs right along.

Q. What commences in May; their meeting?—A. Yes; and it runs right along for three months. On the 2d of November I went away, taking the first train, which left at half past six, I think; was gone all day, and did not get back to Gardner until some time in the evening. The board were accused (as stated in the paper) of meeting there on that day and bulldozing me, but they did not meet.

Q. They met there in the last week of May and continued for the following three months, June, July, and August. Then when was their next meeting?—A. I can't say positively just now whether there was any in December or January.

Q. How long was their meeting the second time they met; was it three months again?—A. Yes, sir.

Q. They have three meetings in the year?—A. Four meetings.

Q. They meet quarterly?—A. Yes, sir.

Q. Then one quarterly meeting may run on until the beginning of the next?—A. Yes, sir.

Q. So that really they might have a meeting all the year round?—A. They begin once in three months.

Q. They begin once in three months and the session may run until the beginning of the next session. So that they may have been in session any time in October or the fore part of November?—A. Whenever the three months came around they would meet. They used to meet down town to transact business, and didn't meet at the farm only once in awhile.

Q. But they might have been in session at any time in October or November?—A. I don't fully comprehend what you mean; whether you mean that they were to meet once in three months from the time they met last.

Q. They may hold a session at any time they please during the three months? Supposing that they had met on the first day; would they not meet again before the three months expired?—A. The rules required that they all three should meet once in every three months.

Q. I ask whether, in effect, one term continues until the beginning of the next term?—A. If they should meet on the last Saturday in May, it would run three months from that time until they would meet again.

Q. Might they not meet at any time in the three months again?—A. They could if they chose.

Q. Was there anything to prohibit it?—A. I don't know that they could draw any pay for it, if they did.

Q. They might be patriotic men and do it for nothing. When did they meet?—A. I think it was on the last Saturday in May.

Q. Then they met again on the last Saturday in August, according to

the regular term, and could meet any time in September, October, or November?—A. If they chose to.

Q. When was it that you became a subscriber in this way for the Globe, or paid fifty cents?—A. I think it was some time in October.

Q. You had attended political meetings before that time, had you not?—A. Yes, sir; I used to be on the town committee.

Q. You went out with a team to a Butler meeting and took persons out in the team?—A. I met E. D. Howe, the chairman of the Butler club, who asked me if I wouldn't go up to East Templeton to hear such a person, I forget his name, speak. I didn't know how to go, but I thought I would oblige him, and went up to accommodate him. Leander Lynde and E. D. Howe's father went along.

Q. You took them up in the wagon with you?—A. Yes, sir. I didn't fully understand General Butler's views in regard to money matters and I wanted to hear him.

Q. Did you tell E. D. Howe or Leander Lynde that you were going to vote for Butler?—A. I never told E. D. Howe or Leander Lynde that I was going to vote for General Butler. I didn't know but that I had a right to vote for him, but I had not fully decided.

Q. You were at that time regarded as a pretty ardent Butler man, weren't you?—A. Well, E. D. Howe and Leander Lynde say so. If you want to know about it, go up and inquire.

Q. They say so, and all that you say from that is that you had not told any living man how you were going to vote?—A. I say that—[referring to the newspaper article.]

Q. Can you not answer directly?

Mr. BLAIR. No, let the witness proceed. Let him speak from his own recollection.

Mr. McDONALD. But I do not want him to speak from that paper.

The WITNESS. I have talked up General Butler's good qualities. I have said that I thought he would make a good executive officer, but, on account of his money views, and on account of the uncertainty of his course, I felt that I didn't want to vote for him. I had always voted the Republican ticket, but I was in doubt and wanted some change and therefore I talked up General Butler's good qualities, and I talked up Talbot's; and, two years before, when I was a delegate to the State convention, I would have been very glad if he had been brought up.

By Mr. McDONALD :

Q. You are not answering my question but making a stump speech; I asked you if you had not been understood, up to that time when you went to this meeting, as being a Butler man?—A. I don't know but that I had talked as much in favor of Mr. Talbot as I had for General Butler; I hadn't come to any decision; I admit that I didn't know for whom I was going to vote.

Q. Do you think that that is an answer to my question?—A. I think it is.

Q. I ask you if it had not been generally understood, up to the time when you went to this meeting, taking along with you these voters in the team from the poor farm, that you were a Butler man?—A. No, sir; I don't think it was.

Now I ask you at what time you made it known in that vicinity that you were not going to vote for Butler?—A. I didn't consider that it was anybody's business how I voted; I can't positively say when it was, but it was a short time before the election.

Q. Just before the election?—A. Just before the election, and E. D.

Howe and Leander Lynde appeared to be very mad when I told them I was not going to vote for General Butler.

Q. You say that Mr. Howe appeared to be very mad when you told him that?—Q. He seemed so to me.

Q. And very much surprised?—A. I don't know as to that; they wanted to get all the votes they could, and worked night and day for him; true, sir; I was ashamed of my company.

Q. Don't you think that that sentiment was reciprocated to some extent?—A. Very true; if it was I am glad of it.

By Mr. BLAIR:

Q. Mr. Kemp testifies here that, in a certain conversation at which Mr. Whitney was present, Sanderson charged him (Kemp) with being a Butler man, and that he retorted the same charge upon him; that is, that he told you you were a Butler man; then Kemp went on to state the result of this conversation, that Sanderson was provoked and discharged him (Kemp) because he had spoken as he had before Mr. Whitney; that is, that he had called you a Butler man before Mr. Whitney; what is the fact in regard to that?—A. I hired him to chop four cords of wood, and I thought that he had got it chopped, and that is the beginning and end of the whole thing; he might have said something before Mr. Whitney and I might have answered pretty short; he is a fellow who hasn't any character, nor anything; I don't think that if you had known him you would have summoned him down here for anything.

Q. Then all that he was to do was to cut four cords of wood, and that is all there was to it?—A. That is all that there was to it; I want to tell you what I believe is the cause of this whole bulldozing business. At the time when Mr. Ivers Whitney, another man, and I were the overseers, we had a lawsuit with E. D. Howe on behalf of the town, in which Mr. Howe was defeated; he was very angry about it, and at every opportunity he has had to injure Mr. Whitney he has done it; I think that that is what started it, and also because I didn't vote for Butler; I think that that is the sum and substance of the whole thing.

Q. You do not think that it has hurt you any, do you?—A. No, sir.

By Mr. McDONALD:

Q. You say that Mr. Kemp might have twitted you with being a Butler man in the presence of Whitney, and that you might have said something back to him?—A. Yes, sir.

Q. You didn't like to be twitted with being a Butler man in the presence of Whitney, did you?—A. I didn't care one way or the other. He is a fellow whom I don't respect. I think he was very much under the influence of Democratic whisky.

Q. But you didn't like the idea of being twitted in the presence of Whitney about your politics?—A. Not by a man that I thought of as I did of him.

Q. (By the CHAIRMAN.) You hired him to do that work?—A. I hired him to cut four cords of wood.

By Mr. McDONALD:

Q. You frequently employed him to repair barns and in such work as that?—A. No; I was living on the farm going on six years. I employed him one day. I am agent of the roads.

Q. Did you have any Democratic whiskey there for him?—A. No, sir; it is strictly forbidden to use any ardent spirits there without doctor's orders.

JOHN C. BRYANT sworn and examined.

By Mr. BLAIR :

Question. You reside in Gardner ?—Answer. I do.

Q. Are you chairman of the Republican club of that town ?—A. I am.

Q. You were such last year ?—A. I was.

Q. A witness, one Leander C. Lynde, has testified [reading]—

that John C. Bryant, a tub and pail manufacturer there, a Republican, who employs some twenty men, had said to witness on election day that he had better stop working for Butler, for if Butler was elected he (Bryant) would close his works and discharge his men.

Is that true ?—A. No, sir.

Q. Do you know Warren Newell ?—A. I do not.

Q. Then of course Warren Newell was in no way authorized to represent or act for the Republican party at that election in Gardner ?—A. No, sir ; he is not a voter in the town of Gardner.

Q. Do you know any such man ?—A. I do not. I heard that there was such a man who worked for a carpenter some two or three months.

Q. Do you know where he was from ?—A. I do not.

Q. Or where he has gone ?—A. I do not.

Q. Do you know anything about him ?—A. No, sir.

Q. Do you know this man Jonathan A. Perham ?—A. I do not. I know nothing about him.

By Mr. McDONALD :

Q. You say that you did learn that there was such a man as Newell who had been there along last fall ?—A. I have heard so.

Q. What was his vocation ?—A. I understood that he was a carpenter.

Q. You were chairman of the Republican central committee there ?—A. Of the town committee.

Q. You were very earnestly opposed to the election of General Butler ?—A. I was.

Q. Didn't you think that his election would be very injurious to your business ?—A. No, sir ; I didn't fear the man.

Q. You thought that the country would go along just as prosperously if he was elected as it would if he was not ?—A. I had the idea that it would, but I did say to Mr. Lynde that if the principles he advocated prevailed throughout the country, I should close my business.

Q. You did come that near to saying it ?—A. Yes, sir.

THOMAS SULLIVAN sworn and examined.

By Mr. BLAIR :

Question. Where do you live ?—Answer. At Chelsea.

Q. How long have you lived there ?—A. Ten years.

Q. For whom have you been working ?—A. For the Boston Elastic Fabric Company.

Q. What is your position in their employ ?—A. Making tubing, springs, and so forth.

Q. Have you charge of any of the help ?—A. No, sir.

Q. How long have you worked for them ?—A. Somewhere about nine years.

Q. Who was Mr. McBirney ?—A. He was the president of the company.

Q. Is he living ?—A. No, sir.

Q. When did he die ?—A. About six weeks ago, I understand.

Q. Did you ever say anything to the help in the employ of this Elastic Company in regard to their voting last fall, or give them any word as coming from Mr. McBirney ?—A. I did.

Q. Go on and state all that you said to them.—A. He told me that he never took act, part, or hand in politics before ; that he was an old man ; that he had some 300 or 400 families to support from the factory and that they were doing very well now ; that if the help respected him, they would vote for Mr. Talbot ; and he said, "I want you to understand there will be no man discharged from here, no matter how you vote." I told the help so, some of them.

Q. Did you tell them as to his desire that they should vote for Talbot, but that if they did not vote for him no man would be discharged ?—A. Yes. I didn't tell all the men, but I told a great many of them.

Q. Did you tell them all of that which Mr. McBirney said to you ?—A. I did.

Q. Did you tell a part and leave out the part that no one would be discharged ?—A. No, sir.

Q. What are your political sentiments ?—A. Democratic.

Q. Was there a Democratic organization among the help of Mr. McBirney's establishment ?—A. A great many of the men are Democrats.

Q. Do any of them belong to any Democratic club ?—A. Not that I am aware of.

Q. Did any of them vote for Butler ?—A. There was and is now a Butler club there. Men belonging to the Butler club are working in the mill now and have been all the time since it began.

Q. Were any men discharged from the mill on account of their voting ?—A. No, sir ; not a man.

Q. Was there any feeling that any of them would be discharged if they voted as they pleased ?—A. Not a bit ; none whatever.

Q. Do you not think that the men in the employ of this Boston Elastic Company voted just as freely as the men who were not in any employ ?—A. Just the same. I know that I did. I voted for Mr. Abbott.

By Mr. McDONALD :

Q. Repeat, if you can, what Mr. McBirney told you to say to the men.—A. He told me to say to the men that it would be his wishes and for the benefit of the company to vote for Mr. Talbot, but that they could vote as they pleased, and there would be no man discharged from the works, no matter how they voted.

Q. What did he say about 300 or 400 families ?—A. He said there were 300 or 400 families that got their support from the mill.

Q. And that they were doing well then ?—A. Yes, sir.

Q. He told you to tell them that ?—A. O, no ; he didn't tell me to tell them that.

Q. He did not tell you to tell them that there were some 300 or 400 families who got their support from the mill, but he told you to tell them that it would be for the benefit of the company and that the company was doing well then ?—A. Yes, sir ; that it would be for the benefit of the company and that the company was doing well then.

Q. Did he not say that the election of Butler would be very injurious to their interests ?—A. He did.

Q. And might affect these 400 families ?—A. Something like that.

Q. That it might turn them out of house and home, if business turned the other way ?—A. Something to that effect, I suppose.

Q. And on that account he wanted you to communicate the fact to them that it was his desire they should vote for Talbot?—A. Yes, sir; that it was his wishes that they should vote for Talbot.

Q. Didn't the men obey his wishes in that respect?—A. I couldn't tell you, for I don't know how they did vote. I only know that they all voted freely, just as they liked.

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MILTON A. SHUMWAY sworn and examined.

By Mr. PLATT:

Question. Where do you reside?—Answer. In Danielsonville, Conn.

Q. What is your business?—A. I am a lawyer.

Q. Were you assignee of the estate of Frank Kennedy and his brother?—A. Yes, sir.

Q. Did you ever hear of any suits for false imprisonment against those who had sued them or put them in jail on the part of Frank Kennedy or his brother?—A. I think I heard a threat on the part of Frank's brother.

Mr. McDONALD remarked that he regarded the testimony as merely collateral, being upon a matter which his colleagues had developed outside of the direct inquiry in the previous testimony.

Mr. PLATT replied that he proposed to show that the witness Frank Kennedy answered falsely.

Mr. McDONALD waived an objection.

By Mr. PLATT:

Q. Did you make any payment to Frank Kennedy?—A. There was money paid to him.

Q. By you as assignee?—A. I suppose it was paid. He had \$250 out of the estate.

Q. Why was it paid to him?—A. A suit was pending against the estate by a man named Conway, who claimed to have purchased all the property that the assignee had taken in or collected in, being property such as organs and pianos distributed around the country. The assignee had taken it in, claiming the right to hold it. This Conway claimed the right to hold it by an assignment from the Kennedy Brothers prior to their proceedings in bankruptcy; and this money was paid to Frank Kennedy because he said he could induce Conway to withdraw the suit which he had brought against the estate to recover this property.

Q. Did his brother take part in that?—A. I think not. He had no negotiations with me.

Q. Who were represented in that matter?—A. A representative of the Mason Organ Company of this city and a representative of the Smith Organ Company of this city were with me in my negotiations with Frank Kennedy, and it was upon my suggestion that this compromise was brought about, to get rid of troublesome suits.

Q. Were the suits for which that money was paid suits for false imprisonment?—A. No, sir; they were suits brought to get rid of this action of trover relating entirely to the possession of the property.

Q. Do you know this Frank Kennedy?—A. Yes, sir.

Q. Have you ever heard his character for truth and veracity spoken of there?—A. Yes, sir; I think I have.

Q. What is it among his associates?—A. I would not want to testify

either way, that it was good or bad. I never heard but one party speak of it, and I don't think I should form an opinion upon that statement.

Q. The money paid him was not paid him to prevent his bringing suit for false imprisonment against the parties who had sued him?—A. Not at all.

By Mr. McDONALD:

Q. He obtained his discharge in bankruptcy?—A. That was part of the negotiations, that he was to have the \$250, and that the estate or the creditors would not oppose his discharge. The creditors petitioned the Kennedy Brothers into bankruptcy.

Q. The proceedings were those in involuntary bankruptcy?—A. Yes, sir.

By Mr. BLAIR:

Q. State the nature of this transaction, the manner in which these goods were procured, and whether there was any charge of fraud.—A. They were arrested for fraud at the instance of the creditors in a civil suit, not a criminal suit. The State's attorney said he would have them indicted but the offense of obtaining the goods was committed in another State.

THOMAS BROWN sworn and examined.

By Mr. PLATT:

Question. Had you any employment in connection with the work on the post-office building in Boston?—Answer. Yes, sir; I am employed there as general foreman of mechanics.

Q. Do you know Michael Kilduff, Michael Daly, and one Foley?—A. Yes, sir.

Q. Do you know when Michael Kilduff was employed?—A. He was employed in the month of October last the last time. He was employed awhile in 1877.

Q. When was he discharged?—A. On the 18th of October last.

Q. For what reason?—A. Because we did not want him.

Q. What was he doing at the time he was discharged?—A. I think I had him cleaning old brick at the time he was discharged.

Q. Was he discharged because of his political principles or the way he was going to vote?—A. No, sir.

Q. Was his work in any way dependent upon his politics?—A. No, sir. When I hired him in the first of October he told me that his family was in need. I told him I could keep him only a few days, on account of the work being let out to the contractor. I put him to work, and when the brick work went over to another contractor, I had him discharged, among some five masons.

Q. Do you know anything of his politics?—A. No, sir.

Q. Or how he was going to vote?—A. No, sir.

Q. How as to Daly?—A. The same thing exactly.

Q. When was he discharged?—A. On the evening of the 18th, at the same time.

Q. How was it with Foley?—A. I discharged him at noontime on the 18th.

Q. Foley was one of the parties discharged at the same time?—A. Yes, sir.

Q. The brick-work had gone by contract to Mr. Tuttle, and for that



reason you did not want these men ?—A. I did not want them. I had to reduce my force to a smaller number.

Q. Was there or not any reason for which they were discharged other than you have stated ?—A. No, sir.

By the CHAIRMAN:

Q. Give me the names of those you discharged that day.—A. I discharged James McGarvey, John Toland, Dennis McCarthy, Timothy Bulkley, John Mahoney, Michael Kilduff, James Foley, and Michael Daly.

Q. Had these men been talking politics any ?—A. No, sir; not that I know of.

Q. You knew them to be Butler men ?—A. No, sir. I could not tell. I never found out until this morning how my men voted.

Q. How did you find it out this morning ?—A. I simply asked them if any of them had voted for General Butler, and if they had manliness enough to come here and testify. I found that the larger part of them had voted that way.

Q. You voted that way ?—A. O, no; I did not.

Q. When did Mr. Tuttle take possession there ?—A. On the afternoon of the 18th of October.

Q. Had you discharged any men before that ?—A. In the afternoon of the 15th I did.

Q. How many men were taken on after these parties were discharged ?—A. We didn't take on any.

Q. Have you taken on any since ?—A. O, yes.

Q. How many did you take on previous to the election ?—A. I didn't take on any. Foley, Kilduff, and Daly were the force that I had cleaning bricks. I believe that the only other man I took on was taken on at the first of October.

Q. Did you take anybody on the work after the 18th of October and before the election ?—A. [After referring to memorandum.] No, sir; we did not.

Q. Did you take on any before the election ?—A. No, sir.

ROBERT T. BROWN sworn and examined.

By Mr. PLATT:

Question. You are the son of the last witness ?—Answer. Yes, sir.

Q. Did you tell Michael Kilduff it would not be safe for him to vote for Butler ?—A. I did not.

Q. Did you tell any workman employed on the post office building that it would not be safe for him to vote for Butler ?—A. No, sir.

Q. Anything of that sort ?—A. No, sir.

Q. Did you say to Michael Kilduff, on the night or day before he was discharged, that no man who was in favor of General Butler could have work there ?—A. I did not.

Q. Did you in any way intimate to the men as to whom they should vote for ?—A. No, sir.

Q. Did you know how they were going to vote ?—A. No, sir.

By the CHAIRMAN:

Q. Did you discuss politics at all there ?—A. No, sir.

Q. You never talked on the subject ?—A. Never.

Q. You did not say to anybody that Tuttle had got the work, and that the men would be discharged, as Mr. Butler had got him the work?  
—A. No, sir; but I saw it in the paper.

Q. You did not say that to any of the men?—A. No, sir.

Q. These men who were discharged on the 18th had been laying the brick and helping to get the brick-work up?—A. I couldn't tell. They were engaged there.

Q. What is your business?—A. I am a carpenter.

Q. Has your work been continued there?—A. I am working there, on and off.

Q. You are working there now?—A. Yes, sir; I have been engaged since the winter—three or four months.

Q. Were you engaged there in the months of October and November?  
—A. Not steadily.

Q. Were you there until after the election?—A. Not steadily. I was on and off.

Q. How are you getting your pay?—A. For every day that I work.

Q. Do you know of anybody being taken on there after the 18th of October?—A. I know nothing about it.

By Mr. McDONALD:

Q. What are your politics?—A. I am a Republican.

Q. Did you take a pretty active part in politics last year?—A. Not a very active part.

Q. Were you a member of a political club?—A. About two years ago I was.

Q. You were not last year?—A. No, sir.

FRANK C. FISKE sworn and examined.

By Mr. PLATT:

Q. Answer. What was your occupation in 1878, about the time of the election?—Answer. Messenger work and clerical work.

Q. For whom?—A. Mr. Estey.

Q. Who is Mr. Estey?—A. Superintendent.

Q. Superintendent of what?—A. The post-office and sub-treasury building.

Q. Did you, at or before the election of November, 1878, say to any one that any person employed under Mr. Estey would be discharged if he voted for General Butler?—A. No, sir.

Q. Or anything to that effect?—A. No, sir.

Q. Did you talk with the men to influence them to vote?—A. No, sir.

PHILIP W. MANLEY sworn and examined.

By Mr. PLATT:

Question. What position did you occupy on the post-office building in October and November, 1878?—Answer. Watchman and timekeeper.

Q. Do you know Michael Daly?—A. Yes, sir.

Q. Did you discharge him?—A. I did.

Q. What was he discharged for?—A. For the want of employment.

Q. Why was there lack of employment?—A. On account of a part of the work being let out to Mr. Samuel Tuttle.

Q. The work on which he was employed?—A. Part of the general work on the post-office.

Q. Did you have any conversation with him about how he was to vote?—A. No, sir.

Q. Had you heard him say anything about how he was to vote?—A. No, sir.

Q. Did you know how he was to vote?—A. No, sir.

Q. Had his political sentiments anything to do with his discharge?—A. Not at all.

Q. With regard to Michael Kilduff, did you know him?—A. Yes, sir.

Q. Did you know how he was going to vote?—A. I did not.

Q. Did you have any conversation with him about it?—A. No, sir.

Q. Did his discharge have reference to his political sentiments at all?—A. Not the least mite.

Q. Why was he discharged?—A. For the want of employment.

Q. For the same reason as in Daly's case?—A. Yes, sir.

By the CHAIRMAN:

Q. Did Tuttle get the work at which these men had been engaged?—A. Part of it.

Q. What part?—A. Mr. Tuttle got the laying of the brick.

Q. Were those men engaged in that?—A. They were assisting in a part of that work.

Q. Were they masons?—A. They were not. They were laborers.

Q. The work that Mr. Tuttle took comprised the work at which they had been engaged, did it?—A. Partly.

Q. Were any men retained there at work of the character of that at which these men had been engaged?—A. We kept our mortar men because we had to set stone. We kept them for that purpose. We kept no men for cleaning brick.

Q. When did you get men to clean brick again?—A. Somewhere about the last of March or first of April.

Q. The work was partly suspended, then?—A. The work was partly suspended.

Q. How many men were you required to take on in March to clean the brick?—A. We put on about eight.

Q. In March Mr. Tuttle put on eight men to clean brick?—A. Not to clean brick alone.

Q. To do that kind of labor, or work of that description?—A. Not that kind of work.

Q. Some of these men who were put on were engaged in cleaning brick as part of their work?—A. Yes.

Q. Was that which they were engaged to clean a part of the same brick upon which the men who were discharged had been engaged?—A. Part of the same.

Q. Then you hired more men in March to clean more?—A. Yes.

Q. How did Mr. Tuttle's getting the work interfere with the cleaning of that brick?—A. It interfered with it to this extent. We are not allowed by the department to clean brick, and Mr. Tuttle's contract called for his furnishing the brick from the start, while this brick was government brick.

Q. It was government brick in October and government brick in March?—A. Certainly.

Q. But as many men were taken back in March as were allowed to go in October?—A. About the same.

Q. What are your politics?—A. Republican.

Q. (By Mr. PLATT.) Mr. Tuttle was General Butler's friend?—A. That was the common understanding, and the public press says that the men on the ground were his friends.

Q. (By the CHAIRMAN.) The men who were discharged were Butler men?—A. It is so said.

Q. How many of them were Butler men?—A. I could not tell you.

Q. (By Mr. PLATT.) Were they all voters?—A. I don't really believe they were; not to my knowledge.

By Mr. McDONALD :

Q. Did you try to ascertain whether they were all right?—A. I did not.

Q. You are a voter?—A. I am.

Q. How did you vote?—A. I voted for Mr. Talbot.

Q. You were decidedly for Mr. Talbot?—A. I was.

By the CHAIRMAN :

Q. Are you an active man in your ward?—A. No, sir.

Q. Why not?—A. I mind my own business.

Q. Did you belong to a club?—A. I did not.

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ALEXANDER R. ESTEY sworn and examined.

By Mr. PLATT :

Question. What position did you occupy in 1878 with reference to the post-office building?—Answer. Superintendent of construction.

Q. Are you such now?—A. I am.

Q. So far as you were concerned, were any influences exercised by you or by anybody under your control or by anybody with your knowledge to control or constrain the votes of the men who worked on that building in 1878?—A. No, sir.

Q. In any way, shape, or manner?—A. No, sir.

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WILLIAM A. SIMMONS sworn and examined.

By the CHAIRMAN :

Question. Were you collector of the port of Boston, and, if so, when?—Answer. I was; from 1874 to 1878.

Q. Did you keep a record or memoranda in the office of the collector for your private guidance as to the character or position of the men who were your employes there?—A. Yes, sir.

Q. Have you that record?—A. I have; I have kept a copy of everything connected with the custom-house.

(The witness here exhibited a book which he retained and to which he occasionally referred in the course of his subsequent examination.)

Q. Have you knowledge of the case of George J. Hinds, who has been removed?—A. I know him; I don't know of the case.

Q. What was his character as a clerk?—A. He was a very good officer.

Q. How long was he in employ?—A. He was there during my administration and some several years prior to that, I think; I do not know exactly how long.

Q. It was testified that Mr. Hartwell was put in the place of Mr. Hinds. Do you know Mr. Hartwell?—A. Yes, sir.

Q. What position did he occupy in the custom-house before?—A. During my administration?

Q. Yes, sir.—A. He was auditor in charge of the accounts.

Q. What was the record of Mr. Hartwell as auditor in the custom-house?—A. Mr. Hartwell was not a very efficient officer. Mr. Hartwell's position was abolished, I think, in 1875. He kept a record of all the accounts of the custom-house, and kept the collector's accounts. So far as those accounts were kept, they were not kept very efficiently during my administration, and when I was called upon to look after the previous collector's accounts, we found it impossible to settle them. They were in a very great muddle, and at the date of my leaving the custom-house they had never been able to settle them. My predecessor, Judge Russell, wrote from where he then was (I think in one of the South American states) to have Mr. Hartwell employed by him to settle them, but they had been kept in such a way that Mr. Hartwell was unable to settle them, and I guess that nobody has ever been able to settle them; but to my knowledge they had not been settled when I left. I think that Mr. Hartwell stated to me, the last time that I said anything to him, that they had not been settled. Mr. Hartwell gave us considerable trouble in his accounts. That is all I know about it. I know nothing about him as a man.

Q. Do you know anything of the political proclivities of Mr. Hinds and Mr. Hartwell?—A. Nothing, except that they are good Republicans, I presume.

Q. Do you know whose special friend Mr. Hartwell is, or whose special friend Mr. Hinds is in the divisions of the Republican party here; are there any such?—A. Oh, no; I think we are all united. In a national sense, I think, you speak of it.

Q. Certainly; I speak of it also, however, with reference to Massachusetts, as to any divisions that there may be here. We are in search of light. Is there any prominent Massachusetts man who is a special friend of Mr. Hinds and to whom Mr. Hinds is specially favorable?—A. I do not know that unless you might take me for an apology for a prominent man.

Q. Who is the special friend of Mr. Hartwell?—A. By the pressure that was brought to bear to get him back, I should say Judge Hoar.

Q. (By Mr. BLAIR.) Do you speak of George F. or E. Rockwood Hoar?—A. Of both of them. Allow me to qualify that statement by stating what took place about the time of the abolition of the office of Mr. Hartwell in common with a number of other offices. There had been quite a number of offices abolished, and, as every one who has been in a public office knows, when there is an abolition of an office there is a very great pressure to get the gentleman who has been deprived of an office back again, and sometimes without much regard to his qualifications. I expressly stipulated with the Secretary of the Treasury that if he expected me to reduce he should take the list as sent him, that I could not reduce and at the same time take back men who were the least desirable, because I had once before abolished the office of Mr. Hartwell, and, through the pressure brought to bear by Judge Hoar and through the Senator, then in Congress, the order was revoked. I thought that the order was useless if there was to be a continued pressure to keep a man there whose office had been abolished. Mr. Bristow made the stipulation with me and kept it in good faith, and I did the business. Mr. Hartwell did not get back during my administration.

Q. Mr. Hartwell has been appointed since your connection with the custom-house has ceased?—A. Probably the pressure was greater than it was upon me at the time.

Q. Will you state what was the record of Mr. Hinds as a soldier, if you have such a record?—A. I have with me here certain custom-house books. I did not know what books would be wanted here, but I brought with me records of the lists of custom-house officers, lists that they had when I was there, and I can answer from those. These are my own records. [Reading from book:] "Hinds; soldier in the First Massachusetts Volunteers; a private."

Q. How long was he in the service?—A. I think three years; during the term. I knew him very well personally, because he succeeded me as commander of the John A. Andrew Order of the Grand Army of the Republic.

Q. Was he an efficient and reliable clerk?—A. One of the best in the building.

Q. What do you know of the case of Frederick G. Pope, an assistant weigher? It is alleged that he was removed for causes established by Special Agent Bingham and because he was inefficient?—A. I do not know as to his inefficiency under the present administration. During my administration he was certified by his chief officers to me as being a very faithful and efficient officer. That was at the time of my leaving there and up to that time.

Q. What was the record in the army of Col. F. G. Pope?—A. I think he was a lieutenant-colonel in the cavalry. [Reading:] "Lieutenant-colonel, Second Massachusetts Cavalry."

Q. Do you know the man who was put in his place, Charles C. Burt?—A. Yes, sir.

Q. What was his business before being put in Col. Pope's place?—A. I do not know; he was there when I went into the custom-house.

Q. He was in employ?—A. He was employed as a clearance clerk when I was there.

Q. So far as you know, the record of Mr. Pope was a good one?—A. The record of Mr. Pope was good during the time of my administration.

Q. Do you know anything about the political tendencies of Mr. Pope, whom he was for official place in Massachusetts?—A. Do you mean as a Republican in Massachusetts? If you took the language of the street I should call him "a red-hot Butler man;" that is, he was a Republican with proclivities for General Butler, if he should be up for governor, I should say.

Q. What were the proclivities of Mr. Burt?—A. Mr. Burt came from another State; Mr. Burt was dismissed early in my administration, and I do not know much about him except that during his period of service there, some complaint was made about the manner of his discharging his duties. It was in this way: the clearance officer does business with the captains of vessels, and complaint was made that Mr. Burt was in the habit of delaying the duties until after three o'clock, and then doing the business for the captains and charging them so much a head. That being found to be true, when the next removals were made and offices abolished, he was one of those who were included, and the practice was stopped.

Q. He has been restored?—A. I do not know.

Q. He is now in the custom-house, at least it was so testified yesterday by Mr. Beard.—A. I scarcely know him by sight. The man who was put in his place was one of the very few men who were put in at

the special request of General Butler. I remember that circumstance; there were three or four of them; he is there now, I believe.

Q. Do you know C. S. Mixer?—A. Yes, sir.

Q. It seems that his office was abolished; what is his character?—A. Mixer was a clerk for me before I went in the custom-house, for years; he is one of the finest Christian men whom I know of in public service, not one of "the few," but one of the good, Christians in the service.

Q. (By Mr. BLAIR.) He was a Christian soldier, is that the understanding?—A. "A Christian soldier" is the favorite term here, I think.

By the CHAIRMAN:

Q. Was he a soldier?—A. Yes, sir; he served three years.

Q. In a Massachusetts regiment?—A. As adjutant, I think, in the Twenty-second Massachusetts Regiment.

Mr. PLATT. I do not think that Collector Beard said anything of him disparagingly.

The CHAIRMAN. No, he simply said that he understood that Mixer had been a soldier, but that the office which he held was unnecessary. [To the witness:] In the custom-house, when you want to get rid of a man under you, is it customary to abolish his office?

THE WITNESS. If you will pardon me, I will say this in regard to Mr. Mixer: He was one of the only few personal friends that I had in the Boston custom-house; the office which he had was not an office which had been created for him; the duties which he discharged were set up for him by a commission of special agents who came here from Washington and he was put in to discharge them because they thought that that plan would be better than any other. As my predecessors or successors will tell you, there is sometimes a difference in the plans of special agents; the plan on which Mr. Mixer worked was no creation of an office, but Mr. Mixer was taken from one desk and put at another, because this commission of gentlemen, who thought they knew all about these things, believed that the duties could be best performed in that way. I say that in justice to Mr. Mixer.

Q. What was his former position in connection with the Bureau of Statistics in the department at Washington?—A. He was one of the chief men under Mr. Walker, I think, and afterwards chief clerk of the Bureau of Statistics. I took him from there, if I remember rightly.

Q. The office, then, was one of importance, in your judgment?—A. It was when I was there. I do not know what it was later. It was an arrangement made by all the deputies of the divisions in accordance with the special agent's desire.

Q. Mr. Searle was taken in; do you know anything about him?—A. No, sir; I know nothing about those who were taken in.

Q. Do you know anything about Mr. Chadwick?—A. Yes, sir; I think I remember Mr. Chadwick. He was a clerk when I was there. He was an old man, and in the abolition of the offices he was put in a place, made a laborer, and at General Swift's request, being an old man, he was permitted to do certain clerical work, though being upon the laborers' roll—this being as had sometimes been done under all the previous administrations.

Q. The testimony of the collector as to Mr. Chadwick is as follows [reading from stenographic report]:

Mr. Chadwick was a clerk in the custom-house, having care of triplicate invoices and other duties. After my appointment as collector, and before I qualified, during the interim, changes were made. Mr. Chadwick was transferred from that clerkship to be an assistant storekeeper at \$800 a year. The salary of that clerkship was \$1,000 a year, and a man by the name of Ham, from New Hampshire, was appointed to fill the

vacant clerkship of \$1,000 a year. When I came to the custom-house, I found Mr. Chadwick performing the same duties that he had always performed, the duties of a clerk, but that his salary of \$800 was charged to the warehouse proprietors as that of a storekeeper, when he was performing none of the duties of a storekeeper. In a short time the superintendent of warehouses—who actually was in the plan in the first place—brought in a recommendation to me that Mr. Chadwick's place as storekeeper be abolished; but, instead of that, I abolished the office of storekeeper and asked the department to change Mr. Chadwick's designation from "a storekeeper" to "a clerk," as he was performing the duties of a clerk. That is the explanation as to Mr. Chadwick.

A. That is about my recollection, but I can give more of the truth as to that. Mr. Ham was appointed upon the recommendation of Senator Rollins, of New Hampshire, and was a good man. Mr. Chadwick was an old man, and, to be honest about it, was kept in after his office was abolished, on the special recommendation of General Swift (he was Swift's uncle, I think), and we gave him something that he could do readily and provided a clerk to do that duty.

Q. Do you know about the case of A. R. Stover?—A. I know A. R. Stover; he was my chum in the Army.

Q. What was his record as a soldier?—A. Very good, as far as I know.

Q. Do you know who went into his place?—A. I do not.

Q. J. M. Clark is said to have gone in in his place?—A. I don't know him.

Q. Do you know whom Mr. Stover was for last year, for governor?—A. Yes, sir; he was for General Butler.

Q. The statement in regard to Mr. Stover is as follows [reading from testimony of A. W. Beard]:

We had not then got to the gubernatorial question. He was removed for inefficiency, and, on the report of Special Agent Brush, of New York, because of dishonest connection with the sale of old junk.

Q. He, too, was a soldier, was he?—A. I do not know. It made no difference as to his being a soldier, if he was inefficient.

Q. Certainly not. I want to know the fact, though. Who was put in his place?—A. At that time a man by the name of Clark was put in his place.

Q. What was the character of Mr. Stover?—A. Mr. Brush expressly came to me before I went to Europe, last year, and said something about the junk business, and I supposed that Mr. Stover had nothing to do with it, and was entirely exonerated. I never heard of this before. Mr. Brush, I supposed, thought he was doing a kindness to me, on account of Stover having been connected with me while in the Army.

Q. While he was in the employ of the government under your administration, was his record that of an honest man?—A. Yes, sir; unquestionably that of an honest man.

Q. For whom was he—for Butler?—A. Yes, sir; he was for Butler.

Q. C. C. Sewall—do you anything about him?—A. Yes, sir. I appointed him.

Q. What was his record?—A. He was a wounded soldier.

Q. How long was he in the service?—A. He was three years in the Nineteenth Massachusetts, I think. [Reading:] "Soldier in the Nineteenth Massachusetts; wounded in the groin; ball remains there."

Q. What were his political proclivities?—A. I don't know. I didn't see him last year until after his discharge from the custom-house.

Q. What was his affiliation between the two wings of the Republican party here, prior to that?—A. I do not know.

Q. Did you ever hear who got his place?—A. Yes, sir; this Mr. Sew-



all came to me after he was discharged, to have me help him to get on the police. I then signed some papers for him, and he told me about it

Q. (By Mr. PLATT.) Who got his place?—A. Mr. Sidwell.

By the CHAIRMAN :

Q. Who was Mr. Sidwell?—A. He was a former employé in the naval office of the custom-house.

Q. What was his connection, if he had any, with the Republican State committee?—A. None. His father has charge of the State committee rooms, as, I think, a janitor, or something of that kind. He has had charge of the State committee rooms for some years.

Q. Was Mr. Sidwell in the service?—A. No, sir; not to my knowledge.

Q. What was the record of this young man, Sidwell? Had he been in the custom-house before?—A. Sidwell, when he was there before, was in the habit of drinking a good deal. They made a good deal of noise in the rotunda, and I went to Mr. Harriman some two or three times and stated that that sort of business must be stopped, or I must report it to the department. Governor Harriman did not want to discharge him, but finally told me, I think, that when the offices were abolished, he would let him go. Sidwell's father came to me subsequently (I saw him here to-day) and I told him that when any changes occurred I would very gladly take him into the custom-house, but I could not take the son back.

Q. Was Sidwell a Butler man?—A. I do not know. He was a Republican.

Q. What was Mr. Sewall?—A. What he was last year, I do not know. He has always been friendly to General Butler, as far as I know.

Q. Do you know John N. Kaufman [or Coffin]?—A. He was the government truckman. They have one truckman called a district truckman who does all the bonded trucking. He was that man under my administration.

Q. A man named Johnson has been put in his place. Do you know who he is?—A. I do not know the man.

Q. What was the record of Mr. Kaufman [or Coffin] as an officer? Was he in the service?—A. Yes, sir; he was captain of one of our Massachusetts batteries, I think.

Q. Is his record a good one, so far as you know? Have you a memorandum of it?—A. I have not Mr. Coffin's record. He is a government truckman, and I did not put him in with the officials, but I happen to know about him. He is one of our best soldiers, they say; at any rate he served in the Army.

Q. E. K. McMichael, do you know who he is?—A. Yes, sir.

Q. Give his record as a soldier and an officer in the department, and his political status.—A. Mr. McMichael was superintendent of warehouses. He was always a friend of General Butler's—I would say as long as General Butler was a candidate—as far as I know. He is rather an active man in political matters. He was a very good officer during my administration, so much so that at one time when it was said there was to be a change, every warehouseman in the port with whom he did business waited upon me and used some influence in his behalf. I suppose it was necessary to retain him. What his record was after I left I do not know.

Q. Do you know Major Raymond, who got McMichael's place?—A. Yes, sir.

Q. Where is he from?—A. From Worcester.

Q. What is his status?—A. He was a soldier, a first-class officer and a good man in every way.

Q. Do you know Hosea Eaton?—A. Yes, sir.

Q. What have you as his record?—A. [Referring to book.] He was in the last service, I do not know in what regiment he was. I haven't it down. He was known during my administration as "the Mexican war man." He was in the Mexican war, and served in some position during the last war.

By Mr. PLATT:

Q. As provost-marshal of New Hampshire, was it not?—A. Something like that, perhaps it was.

By the CHAIRMAN:

Q. Do you know of his being in the last war?—A. No, sir; I don't know of it personally.

Q. Do you know what his status was in this State, whom he was for?—A. In this State he was a New Hampshire man.

Q. Was he for Butler or against him?—A. He had nothing to do in that way in this State. I knew him personally. Personally he was a friend of General Butler's, but he had nothing to do with the State at all; he lived, I think, in Portland or Portsmouth.

Q. His office was abolished.—A. I do not know of that fact.

Q. In the custom-house, when you abolished an office in which a competent and faithful officer had been employed and when another employé was needed, was it the custom to dismiss absolutely the officer who had been employed and take on a new man, or put that officer in the vacancy?—A. It depended very much upon how the collector thought.

Q. That was a matter that rested with the collector, was it?—A. Upon his recommendation.

Q. If the collector would recommend the abolition of a given office, although the incumbent of that office was a soldier and a meritorious officer, the creation of another place and the placing in that other place of a civilian, his recommendation would carry it through the department and it would be accomplished, would it?—A. During my time, it was not customary to state generally whether the officers going in or coming out were civilians or soldiers. It was not the general rule to do that. The department generally, if they had confidence in the collector, took the collector's recommendation, no matter what it was. If he recommended a change, the change was made. That was so during my administration, and I presume it has always been so.

Q. Do you know John M. Griswold?—A. Yes, sir. He was a captain in my own regiment.

Q. What were his qualifications for the place which he occupied in the custom-house?—A. He was certified by the surveyor to have been a first-class officer. I have the surveyor's report at home, I think, to that effect.

Q. His office was abolished and Mr. Eaton's was abolished. What became of Mr. Griswold?—A. It is pretty hard to tell.

Q. Is he living or dead?—A. He shot himself.

Q. How long after his removal from office?—A. It was within a short time, I think. I do not know how long.

Q. Do you know A. K. Russell?—A. Yes, sir.

Q. What was his position, qualifications, and character?—A. He was an inspector. He was certified by the surveyors of the department as being a very good officer. I had trouble enough about him. I ought to remember him.

Q. What was the trouble?—A. Before I knew anything about him, when I first went there, I abolished several offices, and among them Russell's; and I had, I thought, all the Hoar faction that there was in the State on my back in a little while, and he went back very quick.

Q. You put him back?—A. I put him back. I was wrong, and they were right. He was a wounded soldier, and I ought not to have discharged him; there is no doubt about that.

Q. What was the character of his wound?—A. I think that his leg was off.

Q. Was he a good official?—A. He was so certified to me.

Q. Do you know whether he is among the employed now or not?—A. I do not; I know only from the papers that he is not.

Q. He is a somewhat elderly man. The collector stated that he was over sixty years of age?—A. I do not know how that is, but I should say that he was about that age.

Q. Do you know his status politically?—A. I should think, to use the phrase that is used, he was a tolerably good Hoar man.

Q. (By Mr. PLATT.) A good what?—A. I mean in a political sense.

By the CHAIRMAN:

Q. I find here the name of C. C. Bumper.—A. It should be Bumpus.

Q. What about him?—A. I made a mistake once, and removed him, and they bumped him back very quick.

Q. For the same reason as the other?—A. No, sir; it was a member of Congress who put him back.

Q. He is back now?—A. He is back now. I think that my successor put him out, and went through the same ceremony that I had gone through.

Q. Was his record also that of a Massachusetts soldier?—A. Yes, sir; he was a good soldier, and I guess he was a good officer [reading]: "Served in the Fourth and Thirty-second Massachusetts Infantry, and was a captain."

Q. A man named Hadaway got his place. Do you know who Hadaway is?—A. Yes, sir; he is an old Sunday-school teacher of mine. I know him very well.

Q. Is he a civilian?—A. He is a civilian; been there in years before; a good man, an important man; a good politician; against Butler always.

Q. Do you know Andrew Hall?—A. Yes, sir.

Q. Who is he?—A. He is a good politician and against Butler.

Q. What official position did he occupy with reference to the Republican organization?—A. He was chairman of the Republican committee of Boston.

Q. Was he in, under you?—A. No, sir.

Q. J. L. B. Pratt is back in office, I believe. What is his record?—A. I regarded him as one of the best officers that we had.

Q. He was a soldier also?—A. Yes, sir; I believe that he was. [After referring to the book:] He was a private in the Eleventh Massachusetts Battery.

Q. Is he a politician?—A. First-class one.

Q. Was he active last year?—A. I guess he was.

Q. For whom?—A. For the Republican party.

Q. Was he for Butler?—A. He couldn't have been last year, if he really was. He was for "Talbot and reform."

Q. What do you say as to Silas Sanborn?—A. I know him very well.

Q. What is his record as an officer?—A. He has been regarded for

many years as one of the best clerks in the department; so they told me when I was there, and so I found him.

Q. What was his record in the Army?—A. [After referring to book.] The regiment in which he was is not stated here. He was in the Army. He belongs to Post 113.

Q. Who got his place?—A. I don't know.

Q. Collector Beard answered as to Sanborn, that his office had been abolished. He also answered that the offices of one Skinner and one Ham had been abolished, and that those were the three last offices abolished. Do you know Mr. Skinner?—A. Yes, sir; I appointed him.

Q. What was his position and what is his record?—A. He was first a messenger, afterwards a clerk in charge of the stationery, which position, I think, he held when I left. He was appointed for the United States Treasurer, I think.

Q. Do you know a man named Jernegan?—A. I do not.

Q. Was Sanborn reappointed to the custom-house, to your knowledge?—A. I do not know about that, nor whether he is out or not.

Q. Do you know what is Sanborn's position politically, or what it was last year?—A. No, sir; other than that I suppose he was a Republican. I don't know about his status.

Q. J. N. Wright, what about him?—A. I know him. He was a very good officer in his department; was so certified to me; a very intelligent man.

Q. The collector states that he was not removed nor reappointed for political cause, and I believe he testified that Wright is in the custom-house now.—A. I do not know. I have not seen him for some time, for a year.

Q. Do you know anything about a man named Robert Bower?—A. I know him. He is from Lawrence, I think. A soldier, I think, in the Fiftieth Regiment [reading from book:] "Fiftieth Regiment, private."

Q. Do you know anything of Robert Tarr?—A. Yes, sir; I know him very well.

Q. Is he a Butler man?—A. Always a Butler man.

Q. What was his position in the service?—A. He was an inspector.

Q. What was his position in the military service of the United States?—A. I think he was a commander of a gunboat or something of that kind.

Q. Do you know who got his place in the custom-house?—A. I do not.

Q. What was the record of Captain Tarr as an officer in the custom-house?—A. While I was there, it was very good. He stood in an isolated position. By that I mean this, that we have a class of officers, one or two officers, or did have, who are put on the boats running to the Provinces and Portland or which stop at Portland coming back. The purpose of this was to have the officers examine the passengers' baggage on the boats, so as to avoid delay. There was some trouble with the officer in charge, in the year before I left, and I directed the surveyor to select a more prudent man and the best man he had for that purpose. He selected Mr. Tarr. So I suppose Mr. Tarr must have been a good officer.

Q. While he was in the service did you hear of any complaints in reference to him?—A. Never, save once.

Q. What was that?—A. That was this: A gentleman came and said that Tarr had bought a barrel of whisky and had not paid for it, but it afterwards turned out that he was the wrong man, but that he had gone sponsor for it in some way; but there was no charge directly against him and it was dismissed.

Q. The charge was dismissed ?—A. Yes, sir.

Q. Were there any complaints, while he was in the employ in the custom-house, that he was rude to ladies or guilty of any improprieties ?—A. No, sir; he is quite a courteous man.

Q. Do you know M. B. Lakeman ?—A. Yes, sir.

Q. Do you know whom he was for ?—A. He was always for General Butler, but a very staunch Republican singularly.

Q. What is his record as a soldier ?—A. Senator Blaine told me that he was one of the best soldiers who ever went from the State of Maine. He went from Augusta.

Q. Do you know Captain Hall who got his place ?—A. I do not. I know Captain Whall.

Q. Is Captain Whall a competent man for the place he fills ?—A. I should say that he was; yes, sir. They generally fill those higher places by promotion. When a man was dismissed, they took for the higher office the one next lower officer (at least that was my notion) and put the lower man in the higher position. That is according to civil-service ideas, I believe.

Q. Do you know M. O. Hall ?—A. Yes, sir.

Q. What is his record as a clerk ?—A. A very good clerk.

Q. (By Mr. PLATT.) In that case, the office was abolished ?—A. I do not know whether it was or not.

By the CHAIRMAN :

Q. Yes, the collector states that it was. What is Mr. M. O. Hall's status as a politician in the State ?—A. He was always a Republican.

Q. With what wing of the party did he go last year ?—A. I guess he generally voted for General Butler, if General Butler was a candidate; I should say so from what I know of him. I never asked him, however.

Q. What was his status as a soldier ?—A. I think he was in the Navy. [Referring to book.] He was in the United States frigate Sabine.

Q. While you were in the custom-house, were you in the habit of appointing Democrats ?—A. No, sir.

Q. You appointed Republicans, did you ?—A. Every time, as long as they held out.

Q. There seem to be plenty of them in Massachusetts ?—A. No trouble about that—they overrun.

By Mr. PLATT :

Q. You spoke of some man as being one of your few particular friends; who was that ?—A. I had in mind two: Mr. Mixer, whom I have known from boyhood, and who was my chief clerk years ago, and Mr. Stover, whom I slept with in the army. It was one of those two, I think.

Q. Mr. Mixer, you say, was one of your few particular friends in the custom house ?—A. Yes, sir.

Q. Have not some of your particular friends been retained in the custom-house ?—A. I haven't any doubt of that.

Q. Take Mr. Allen (who, I understand, made up this list for the collector), he is a relative of yours ?—A. Yes, sir; he is a brother-in-law. Mr. Allen says that Mr. Beard treats with unvarying kindness. I say to him that Mr. Beard treats me with unvarying kindness. I have said that he has done so publicly, as I say it privately.

Q. He has done so publicly as well as privately ?—A. Yes, sir; I am very glad to say that he has. I hope he will continue it.

Q. Are there not five persons in the custom-house still retained by Mr. Beard who are relatives of yours ?—A. I do not know the number.

There is a brother of mine ; there are my two brothers-in-law ; those make three. I do not think that there are any more.

Q. An uncle ?—A. Oh, there is an elderly man on the laborer's roll ; I forgot him—my uncle—at \$2 a day. He is the one whom I asked Mr. Beard to retain, the only one ; and Mr. Beard very kindly did so.

Q. Have you not a cousin there by the name of Parker ?—A. No, sir.

Q. Then, in speaking of the removal of Mr. Mixer, you did not intend to be understood as meaning that he was removed on the ground that he was a friend of yours ?—A. No, sir ; not at all. I simply spoke as I did because—if you will pardon me a moment—my relations with Mr. Mixer have been very peculiar. He was originally my schoolmaster. I unfortunately went to school late in life. I took him away from a very good place under Mr. Walker, who told me that he was the best statistician in the country ; and, having taken him away from a good place, I wished to see him retained. He was the best mathematician in the custom-house, by all odds ; no doubt about that ; and I felt personally responsible for him.

Q. The office was abolished, but he was not obliged to go out ?—A. Yes, sir ; so I understood ; the office was abolished. I did not speak as I did in any spirit of unkindness.

Q. No ; but I did not know but that you meant to intimate that he had been removed or that the office had been abolished because he was a friend of yours ?—A. No ; I did not think that.

Q. It was a little more fashionable, when you were collector, for the officers of the custom-house to be Butler men than it is now ?—A. I think that is the way that our erring humanity runs. If they lie as fast to my successor as they did to me, some of them, it will be pretty difficult to tell how they are.

Q. We are all erring mortals. The officers of the custom-house knew that you were a strong Butler man and know that Mr. Beard is not ?—A. Yes, sir ; and you cannot censure him, and I do not. It is not a man's disposition to quarrel with his living.

Q. Who are the friends of General Butler, as you understand it ?—A. I think there are a great many men there who were originally friends of General Butler, but I very much doubt to-day whether you would find a single man there who is in favor of General Butler.

Q. Do you not know that a great deal of complaint is made against the collector by ardent Republicans, because he keeps Butler men in the custom-house ?—A. Well, sir, whatever he does, the collector will wish he had done the other thing, judging from the pressure.

Q. There would be likely to be a great deal of fault found with him any way ?—A. Yes, sir ; that was my lot.

Q. You do not desire to be understood, then, as making any criticisms upon the course which the present collector has pursued in the way of appointments ?—A. I have not made any criticisms, and what I say here of him in the way of testimony I would say in the kindest spirit. It would have been very indelicate for me to make any strictures upon his course. The only criticism I would make would be that I would have taken the civilians and left the soldiers ; but that is his business. I do not know that he could have done otherwise than he did.

Q. You would not keep a soldier whose character would not be just right, because he was a soldier ?—A. I would not, if his character was not right.

Q. I suppose that you must have appointed civilians ?—A. Yes, sir.

Q. And perhaps in the place of soldiers ?—A. I think that I never appointed a civilian in the place of a soldier without cause, save in two in-

stances. Then I did not know that they were soldiers, and I reappointed the men.

Q. In reference to many of the officers there, when asked whether they were good officers, you said that they had been certified to you by certain heads of departments so to speak, and you took their statements for it.—A. My practice was this, to give it to you briefly. I had the qualification and standing of the officers made upon a grade of sometimes three, sometimes five, and sometimes ten, for my own private use in the manner shown in the contents of the book I have here. I would require the surveyor (who is at the head of the outside department) to grade every officer in his department upon a scale, say of five, one being for the highest and five for the lowest. I formed my estimate of qualification upon that of the officers who were brought in immediate contact with these outside officers, and that is the opinion that I have expressed to-day. I had an examination of the inside officers about once in three months and was accustomed to personally supervise their work. A man such as Mr. Hinds, for instance, I regarded as one of the very best clerks in the building. He was a very competent man during my administration. I do not know what he was subsequent to that. Therefore I speak from personal knowledge of the clerks inside and from the knowledge of Mr. Underwood of the clerks outside.

Q. Do you not suppose that when you came there you found there, upon examination, men who were thought by the former collector to be good and efficient men, but who, upon inquiry, you thought were not just the men you wanted, and that you let them go and took on others in their places?—A. I discharged about \$150,000 worth of officials in about a year, so that there must have been some change in the men.

Q. What I was getting at is this: Will not every new collector, when he comes to make an examination, acting in perfect good faith, be likely to get the idea that clerks who were there before he came, and who may have been thought by his predecessor to be the very best men, are not perfectly good men for him to keep there, and is he not likely to make a change in their cases?—A. You want a perfectly frank answer?

Q. Yes.—A. The practice is this: After a contest for the place, every new collector who takes it has many friends to oblige. Those friends insist that the men who are in are incompetent, or, for some reason or other, must go out, and that new men must come in, and through the pressure of—if you will pardon me—Senators and members of Congress, the collector realizes that he must find places for the new men. That was in the days when civil service reform was not quite so professed as it is now. The way to get a man in was to turn a man out; to tell him you don't want him. You do not assign any reason; you did not in those days; I do not know how it is now. Another way is to abolish one office in one department, leave over a surplus of money in another department, and put three men in there. I presume that Mr. Beard has done it. I know that I did. That is the way we answered the persistent and continued, and even enormous, pressure that is brought to bear upon a man who holds the place.

Q. You are giving now a little of your own experience when you held the office?—A. I am; but I am giving the experience which every collector who holds the office must give. That was the plan.

Q. But you do not answer my question. It is this: Does not every collector, as he comes into office, appear to reach naturally, and in good faith, the conclusion that clerks whom his predecessor regarded as very good ones are not very good ones?—A. I have no question that the collector may come to such a conclusion in good faith, but if an officer is a

good officer, I do not see how any pair of spectacles changed about will change the character or qualifications of the officer.

Q. But, depending upon the opinion of the surveyor, for instance, as you did, or upon heads of departments, is it improbable that you would think a man was a very good officer as to whom your successor, coming in and making investigations for himself, would have a different conclusion?—A. If any successor of mine came to a different conclusion in regard to an officer, I should say that he came to it honestly.

Q. Did you rely upon the reports made to you by the surveyor for the standing and efficiency of the men in his department?—A. Not altogether, but mainly.

Q. Mr. Hartwell was auditor under you?—A. Yes, sir.

Q. Was the office abolished by you?—A. Yes, sir.

Q. Was it restored?—A. Yes, sir; by order of a commission which came here.

Q. How long after it had been abolished?—A. About a year and a half. I think it was in this way: As I have told you, Mr. Hartwell was an inefficient man. Mr. Fiske, the present deputy, must know and be able to testify to that; the condition of the accounts themselves will show it; the condition of Judge Russell's accounts will certainly show it. My own were ready for settlement in two months after I went out of office; Judge Russell's are not ready for settlement yet. And by reason of that fact Mr. Hartwell's office was abolished and the business was turned over to Mr. Grant, who was then receiving a salary of \$2,000 a year. A year and a half later, when it was ordered here by Secretary Sherman, the commission found the accounts of the office, as they were pleased to say, in such admirable condition that, while they cut down everybody else, they, of their own motion, made a recommendation that Mr. Grant's salary be increased to \$3,000, and that he be paid, I think, the same salary as was paid the auditor in the New York or the Philadelphia custom-house.

Q. Did Mr. Hartwell get back under your administration?—A. No, sir.

Q. But the office of auditor was restored?—A. The duties of the office always existed and always must exist. It was the particular salary which was abolished to save the sum of \$3,000; that was the abolishment; it was the abolition of a salary, and Mr. Hartwell fell because he was behind that salary.

Q. What was Mr. Hartwell's salary as auditor?—A. \$3,000.

Q. Mr. Grant took his place?—A. Yes, sir; at \$2,000, if I remember rightly. I do not know anything about Mr. Hartwell as a man; I presume he may be a very good man; but, as an officer, he was a failure.

Q. Mr. Hartwell was an officer during some portion of the time while you were collector?—A. Yes, sir.

Q. Was there any trouble with your own accounts during the time you were there?—A. Mr. Grant straightened the accounts all out, brought me a number of blanks, found a number of papers that were missing, and, as he expressed it, thought it was very fortunate that Mr. Hartwell went out as he did. About the detail of the accounts I do not know; I give you the detail of the reports as brought to me.

Q. I understood you to speak of Judge Russell's accounts, and to state that you thought they had not been settled. You do not know anything personally on that matter?—A. The last time I saw the judge—I think it was some time in the winter—he repeated to me substantially what I have now told you. At that time they had not been settled.



Whether they have since been settled or not I do not know ; I think not, however.

Q. You dismissed C. C. Burt?—A. I cannot remember now whether it was an absolute dismissal or whether he went out at the time they were abolishing the offices ; but the reason which controlled my mind in putting him in the one or the other category was the practice which I stated in my direct testimony.

Q. Did you apprise the department of the reason?—A. If he was dismissed, I did ; if his office was abolished, I did not, I should say. I have copies of the letters at home in a large letter-book, but I did not bring them with me. Mr. Collector Beard has those letters down there and he would know better about that than I know.

Q. General Butler requested you to put a man in his place?—A. There was a man in the custom-house as a laborer by the name of Grant. He was a sort of a humorist—a very good sort of a man. As General Butler told me himself, Grant bothered the life out of him to give him (Grant) promotion and place. I think he was some relative of General Butler's ; I do not know about that however. He was one of the three men whom the general ever asked me to do anything for. I judge that he is not a good Butler man now, because he abuses me as though I were a pickpocket, they say.

Q. General Butler requested you to make appointments?—A. I say to you as Judge Russell said to me, that General Butler asks less, receives less, and is a better man to get along with, in point of patronage, than any other man in public life.

Q. You were a Butler man?—A. Yes, sir ; and am now.

Q. And whether he asked it or not you would prefer to appoint a Butler man, all other things being equal?—A. I would not. I discharged more Butler men than anti-Butler men when I went in the custom-house, because they were the least efficient. I told General Butler about it, and he told me that if they could not keep up their end of the beam to let them make the most of it ; he could not help it.

Q. Did you discharge more of such men than did the present collector?—A. I could not tell you.

Q. You speak of having made a reduction of \$150,000?—A. I say that I reduced the expenses about \$150,000 while I was there—somewhere in the neighborhood of \$130,000 or \$140,000—and that necessarily took out a great many men.

Q. At what point in your administration was that reduction made?—A. It was in the first year, I think.

Q. How long were you there?—A. One term of four years.

Q. You spoke of having abolished a great many offices. Did you make discharges other than by abolishing offices?—A. Did I dismiss men?

Q. Yes?—A. O, yes.

Q. And probably to as great an extent in a year and a half as the present collector has?—A. I wouldn't be surprised if that were so. Do not understand me, Mr. Senator, as finding any fault with the discharges of Mr. Beard, or as being disposed to make any criticism ; I do not care to.

Q. Not at all. I was just following out the line of the question, that very many of these discharges must depend upon the discretion of the collector.—A. They must depend altogether upon the discretion of the collector. He alone is responsible ; he must be.

Q. And as long as Mr. Beard acts in good faith, he is not to be criticised?—A. Not by his predecessors, certainly.

Q. What duties was Mr. Hinds performing as clerk?—A. He was a clerk in the warehouse division.

Q. Did that require the same amount of ability as was required by the auditor's office?—A. I should say that it did not require the same class of ability. Now, I have not read the testimony of my predecessor. I think that somebody stated here that Mr. Hinds was not a man of good character. I think that if my successor said that of brother Hinds, he must be mistaken, and I say this, because the young man is out of employment, has gone to California to make a living for his family, and it might damage him if that thing came out, because that is not true. He is a man of good character, and he was a faithful soldier and a good clerk. I think there must be some mistake about that. I have not read the testimony, but I think that friend Beard was mistaken, if he so stated. I say that in justice to Mr. Hinds, because it ought to be said.

Q. You think that Mr. Hartwell was not competent as an auditor. Did you not think that he was competent to perform the duties of Mr. Hinds?—A. I do not want to get any of my appointees who are under my successor into trouble, but I think that they would tell you, as they told me, that he muddled the accounts so that he could not straighten them out for a week.

Q. As a clerk?—A. Yes, sir; I judge that he would have done so. I got that direct from the custom-house. I could not say who told me so. Mr. Hartwell is a good, honest man; I have no doubt. He was a graduate, or was formerly a tutor over at Harvard—that is no disgrace to him, of course—and was a lawyer. He is that kind of a man. He is not fitted for the clerical duty that Mr. Hinds could do; it is not his fault. God did not make him that way. He might preside over the destinies of the nation with a great deal of ability, but that particular duty he cannot do. It is not in him unless he has grown since I saw him last.

Q. You speak of him—— —A. Just as an officer. He is a good, straightforward man; a good Republican.

Q. You speak of him from your knowledge of him while you were there?—A. I speak of him from my knowledge of him while I was there.

Q. If Mr. Beard thinks that he was a good, honest clerk, that is Mr. Beard's business?—A. That is Mr. Beard's business entirely. He may have been to school, and become first-class in penmanship. I justify my action. It will be for Mr. Beard when the next tribunal comes around, to justify his. Mr. Beard, as I said before, has treated me with a good deal of kindness. I have no fault to find. I do not propose to make any criticism except such as I make on the stump publicly, and there I have a right to make it.

By Mr. BLAIR:

Q. Permit me a question or two. When were you appointed collector?—A. On February 28, 1874.

Q. How long did you hold the office?—A. Just four years, until April 1, 1878.

Q. You stated something in your testimony as to the practice under civil service and intimated that there may have been a different practice of which you had some knowledge.—A. A different practice since?

Q. Yes?—A. I should have said a different profession since. The practice is the same only a little more so.

Q. What was the practice prior to the adoption of civil service in relation to appointments, removals, and methods?—A. If a Senator came down, wanted to see the collector and said that he wanted Mr. Jones to

come in and that he had to have him in, why Mr. Jones came in. That was the former practice, and if he came down and said he wanted Mr. Jones to go out, Mr. Jones went out.

Q. At some time while you were in office there was a change, was there not?—A. There was an apparent change.

Q. Then there was a change on the surface, a change in the orders, laws, and regulations by which you were expected to act?—A. Yes, sir; they had a spurt of civil service about, I think it was when Mr. Bristow first came in, in the first part of it; but there were no appointments under it, if I remember right.

Q. Will you specify what was done under that "Bristow spurt" that you speak of?—A. They got out some books with a large array of questions and we were to appoint a committee of three to examine the candidate for a place. While they were getting the matter in readiness to act, the programme was taken away.

Q. It vanished like a dream?—A. It did.

Q. Then there was no change of practice?—A. No, sir.

Q. It was merely a theoretical "spurt"?—A. That was all.

Q. When was the first real, tangible thing that affected the conduct of the collector?—A. There never was any.

Q. Were civil service rules promulgated subsequently during your term?—A. Just before I left the department, I visited Washington, saw the appointment clerk, General Smith, and went in with him to Mr. Sherman. This was after my successor had been appointed. I stated to Mr. Sherman that there were a great many good men in the custom-house here, some being friends of mine, and that I hoped they would not be removed without cause, whereupon Mr. Sherman said that a new rule had been turned over and no man would be discharged without good and sufficient reasons given. I told all my friends here and for about a month they rested in peace and happiness.

Q. That was after the appointment of your successor?—A. Yes; but that was not peculiar to that, or simply because my successor had been appointed. I had had two or three spurts of the same kind, but they had not lasted long.

Q. I got the impression from your testimony that some time during the period for which you held the office there was a change of the practice of the office in that respect. It was merely a change in the theory and not in the practice of the office?—A. No, sir; there was no change. There was this abolition of offices that I have referred to. The first discharge of officers that I made was in June, 1874, after the first month that I was there. You will remember that there was some little disturbance, about the time that I came in, and that most of the members of Congress from the State, of our party, were against me. Those changes were not made by Mr. Richardson, and did not occur until Mr. Bristow came in. I went down to Washington in June and stated the matter to Mr. Bristow. Then Mr. Bristow gave me the rule that no man should be removed or his office abolished without good and sufficient reasons. I laid the facts before the Secretary, and stated that the men whose names were mentioned there were men whose services could be dispensed with. The Secretary directed me to come in there the next morning. When I went in the next morning I found there an array of members of Congress—Judge Hoar, and, I think, Mr. Williams among the rest—and we had a set-to for a couple of hours; and the friends of those gentlemen were put back, the other men turned out, the rule went under, and things went on in the old way. Then again, in January, 1875, Mr. Bristow directed another removal, and, having

the experience of the previous removal before me, I wrote him a private letter that it was utterly useless for me to abolish and cut down to the lowest mill, unless the collector's judgment was to be taken. They wanted to cut down fifteen per cent., I think, because some of the appropriations had given out. He wrote me that if I would cut down according to the previous desire, he would not allow any pressure to have any man put back, no matter what or who he was. Mr. Bristow adhered to that in all instances save one, that of a lady who lived up here in Worcester. The Advertiser was interested in her case, as also were some other influences, and Mr. Bristow wrote me a personal letter to take her back, and I fixed up her case. All the other changes that were put down were approved. When Mr. Hayes came in there was more of the same.

Q. There was at some time, however, a promulgation of the rule that removals should not be made without cause. That was by Secretary Sherman, as I understand you, and was subsequent to the time when you ceased to hold the office?—A. Mr. Sherman told me that himself at Washington. I do not think there was any promulgation about it.

Q. And you asked that that rule might be applied by the Secretary and the collector in order to secure the retention of certain friends of yours whom you mentioned?—A. No, sir; I did not. I simply said to Mr. Sherman in a casual way, as many would, "There are a great many good men in the Boston custom-house. I know the enormous pressure brought to bear upon a collector; any new man who comes in must have friends who will insist upon being gratified, and I hope that, as far as is consistent and right, good men will be retained, and not dismissed simply because they may have been identified with General Butler or with me." Mr. Sherman made answer as I have stated.

Q. Your term was not such a very lengthy one, but you had a fair share of experience and can probably express an opinion as to whether it is possible to adopt any different or better rules in the practical administration of the office than existed when you were in possession of it. Is this rule that removals shall be only for cause, that is, for delinquency or incompetency of the incumbent, a good rule or is the official discretion of the collector the better rule to be adopted in all cases?—A. There is only one rule that will ever make any difference in the practice, and that is to take the public official out of politics—to make him responsible in his office precisely as you would a merchant. Let him employ and discharge men upon fitness and capacity or the want of them alone. That is all that you can do, but as long as the office is in politics you cannot have that rule.

Q. Has your experience or reflection on the subject suggested any method whereby this office can be taken out of politics?—A. I suggest that, but not as a theory of my own. I do not believe that it ever can be done, because the public sentiment of this country is not educated up to that standard. The new party that comes in will sweep out every office-holder, and, until you can educate public sentiment up to that standard, you cannot change the system which has governed for half a century.

Q. So that whatever may be the reform or the pretense of reform, you think that the system will remain as it has been?—A. As a life-insurance man says, "Judging from past experience, I should say it would."

Q. You cannot then, according to your experience, practically carry out the rule that removals shall be made only for cause?—A. Not as long as the man who makes removals is appointed through political influence.

Q. You do not see any possibility of a change in that respect?—A. If the next administration does not live up to its professions any better than our own has lived up to its professions, I am afraid there is not.

By Mr. McDONALD:

Q. According to your opinion, the so-called civil service reform is a myth?—A. I think it has been a good deal of a mystery to its present inaugurators. It is what I call a humbug, the way it has been managed. That is the English of it.

Mr. McDONALD. I agree with you entirely.

The WITNESS. It is high profession and no possession.

By Mr. BLAIR:

Q. From what you have said, I suppose you mean to be understood that the present collector has faithfully and conscientiously done his best to carry out this idea of civil service reform?—A. I think that the present collector, appointed as he was—as I should say for myself, appointed as I was—has done, perhaps, all that he could do. The pressure, as he knows, is enormous. I have said to every friend, as I have said to you gentlemen (I am the last man to make a reflection and I know the enormous pressure brought to bear upon him, and I have not a word to say upon it), that if I had got to say anything I should only say what I have said here in regard to soldiers.

Q. You have not, perhaps, observed the testimony of collector Beard?—A. I have not read his testimony.

Q. Of the appointments that he has made, a very large proportion are from among those who have rendered service in the army?—A. I haven't any fault to find, and I have no doubt that Mr. Beard has done as well as he could do.

Q. In regard to soldiers, you would not consider it any objection to the official action of a collector that, of two soldiers equally competent, when he is making a removal, he should select one out of office who he thought would be a more efficient public servant, to take the place of the one removed?—A. On the basis of the way in which parties do things, no; on the basis of right, yes.

Q. I say that of two men with records of equal service in the Army, one in office and one out, if the one out was likely to discharge the duties of the office better for the public, you would not blame the collector for making the removal and the appointment?—A. If the one in office was doing his duty, I do not think I would discharge him.

Q. We will suppose this case: Here is a soldier unemployed who, as compared with the soldier in the office, is equally efficient and competent, and has never had any reward; the other is likely to be discharged by the collector. Would you not think that the collector did his duty in giving the unrewarded soldier an opportunity?—A. That is the principle that governs. If that is the principle that is to govern, all right.

Q. The general rule, you say, is that a soldier is to be preferred to a civilian; but if, in making those appointments, the collector selected a soldier who had received no reward or recognition of merit for his services in the war, and who was the equal in point of competency of the incumbent of the place, you would say that the collector was justified in making the removal?—A. No; I would not.

Q. You would keep the same soldier in office indefinitely as long as he performs his duty?—A. I think I would.

Q. And let the other take his chance?—A. If there was no reason to discharge the first named man, I would not discharge him. That would be the collector's business; it is not mine. I only speak of what would be my own action.

ALANSON W. BEARD recalled.

By Mr. PLATT :

Question. It is impossible, in the limited time remaining before the adjournment of the committee, to go over again the list of those of your officials to whom reference has been made, but I would like you to state more particularly than you stated when on the stand before, in regard to Mr. Hinds and Mr. Hartwell, and especially in regard to Mr. Hartwell's competency to fill the place which he now occupies.—Answer. I stated yesterday, in regard to Mr. Hinds, that I considered I had put a man of more experience, one more capable, and one whom I considered to be of more reliable character than he, in his place. I mentioned that a collector should have around him men in whom he had confidence, men of reliable character, and that I did not consider that Mr. Hinds was that kind of a man, certainly not toward me. With regard to Mr. Hartwell, his former connection with the custom-house, and his accounts, I will say that those accounts are now closed, and I can speak with knowledge on that point.

Q. That is, Collector Russell's accounts?—A. Yes, sir. In the first place, Mr. Hartwell's office was abolished in name. Mr. Grant, the present auditor, was given the duties of Mr. Hinds, with an advance of salary, if I recollect right, and that salary was afterwards increased to \$3,000, which is the same salary that Mr. Hartwell previously had. When I came to the custom-house I found Mr. Grant as auditor, and a very capable and efficient auditor too, at the same salary which Mr. Hartwell was receiving when he was removed. I am informed that there never has been any trouble with the accounts of my immediate predecessor, either under Mr. Hartwell's administration or under Mr. Grant's. The accounts of Collector Russell related to a time when there were certain moieties and when there was much more discussion and doubt as to what belonged to the collector than there is at present. The collector now has a stated salary, and nothing else, and his accounts are very simple. At that time there were shares in seizures and other accounts with which I am not conversant; and the accounts of Collector Russell ran through a time when, I think, Mr. Fiske, the present chief deputy, was auditor. The accounts are mixed between Mr. Hartwell and Mr. Fiske, and the responsibility would be perhaps as much with the one as with the other in regard to any inaccuracy in them. Those accounts have been thoroughly investigated by the special agents of the department and settled, having been found correct, with the exception of a small balance of some \$300, which was an item of discussion between the department and Collector Russell as to whether it belonged to him or not. It was finally ruled that it belonged to the department. I say this in justice to Mr. Hartwell, because of his character and efficiency as an officer having been spoken of by the last witness. That is the way in which the matter stands on the books of the Treasury Department to-day, and I have received official notice that the accounts of Collector Russell are adjusted, with a balance of some \$300 due.

Q. Take Mr. Hartwell as a clerk since you appointed him. What do you say as to his services and proved capacity for that position?—A. Mr. Hartwell is the clerk in what is called the warehouse division. The present deputy collector in charge of that division is the same whom I found in charge of that division, and who was deputy collector under my predecessor. That gentleman informs me that the change that I made in that instance has resulted in a very great improvement in the service.

Q. Is there incapacity on the part of Mr. Hartwell to perform the duties of the office which he holds?—A. I should consider that, instead of his being incapacitated, he has a capacity for a much more difficult and responsible office than that which he now holds.

Mr. PLATT. With regard to these other cases, I do not think it worth while, with our limited time, to go over them. I wanted to call your attention to Mr. Hartwell particularly, because I thought it was due to him and you that I should do so.

CHARLES H. SEARLES sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. At Millbury.

Q. Have you lived in Sutton?—A. I always lived there previous to 1878.

Q. Were you assessor of that town?—A. I was.

Q. Was Mr. Chase an assessor on the board?—A. Yes, sir.

Q. State whether you had any conversation with him in regard to the valuation of the Manchaug corporation's property?—A. I had.

Q. What was it?—A. We had some conversation in regard to valuation.

Q. When you were both acting as assessors?—A. Yes, sir. We had then some conversation in regard to the valuation. He wished to have the assessment reduced, and I thought that it ought not to be reduced.

Q. What did he say?—A. It is so long ago that I couldn't tell you.

Q. Did he not complain of the valuation being too high?—A. He did.

Q. Did he not threaten to oppose your re election if you did not agree with him?—A. We had some pretty warm words, and I so understood it.

Q. (By Mr. PLATT.) When was that?—A. That was in 1874, I think. I have not been assessor since 1874.

By the CHAIRMAN:

Q. You understood him to say that he would oppose your re-election if you would not agree with him in the valuation?—A. I so understood it.

Q. Were you elected again?—A. I have never been a candidate since.

By Mr. PLATT:

Q. There is a good deal of feeling up there between some citizens and the corporation in relation to the taxation of the property of the corporation, is there not?—A. I think there is.

Q. The company want to get it down as low as they can, and the citizens want to get it as high as they can, I suppose?—A. Yes, sir.

By Mr. BLAIR:

Q. Were you chairman of the board?—A. I was chairman of the board of assessors in 1874.

Q. Mr. Chase was one, who was the other member?—A. Mr. Dodge.

Q. Do you or not think that at that time you made a fair valuation of the property and assessed it as it ought to be assessed?—A. I took my oath that I had assessed that property at its full and fair valuation according to my best knowledge and belief.

Q. You did not tell a lie, did you?—A. No, sir; I did not intend to.

Q. Reviewing the matter all the way back to 1874, have you any doubt that you made a fair and just valuation?—A. Jason Waters, a year ago last spring, before I left town, came to me to know if I would allow my name to be used as a candidate for the office of assessor. I refused to allow it to be used. He was very anxious to have the valuation of that property raised. I told him, "Were I assessor, I could not consistently raise the valuation of that property one mill."

Q. Your judgment would not permit it?—A. No, sir; I am a farmer and do not know the value of manufacturing property, but in 1874 I endeavored to obtain information on that point. I then took pains to find out how the mills in Rhode Island, the Albion, Lonsdale, Ashton, and other large mills, were valued in that State. In Massachusetts, I went to the towns of Northbridge, Grafton, and Millbury and obtained from the assessors the valuation of the mills in those towns, and then referred to the valuation in Manchaug Village.

Q. Of the mill proper?—A. Yes; of the mill proper. I call that Manchaug Village, for it is essentially the village. The valuation in Manchaug stood higher than the average of the other three towns I have mentioned. It did not stand as high as the mills in Rhode Island; the valuation there averaged \$15 per spindle. The valuation in Manchaug Village stood at \$12.74 per spindle, if my memory serves me right. The reason why I thought that that was a fair valuation was this: The property was situated several miles from a railroad station, and, to start with, I agreed with the other assessors that there should be an allowance made of \$2 per spindle for the difference in location. And then there is the capital, to the amount, I believe, of \$350,000, or a little more, which we did not take into account in the assessment of the tax or valuation of the property.

By Mr. McDONALD:

Q. The point of the controversy between Chase and you was that he wanted it reduced still lower?—A. Yes, sir; he wanted it reduced still lower. It had not been reduced at that time.

Q. He wanted it put at a still lower figure?—A. Yes, sir; he wanted it put at \$400,000. The valuation was \$500,000. We had some sharp words; both of us got pretty well excited, and I believe he told me that I never should hold the office of assessor if he could prevent it, and I know that I gave him to understand that I never should assist him to the office again; and I believe I never have.

Q. You have both kept your agreement?—A. I believe we have, but I never allowed my name to be used.

Q. He wanted it at \$400,000, and you fixed it at \$500,000?—A. We reduced the valuation somewhat that year.

Q. Do you know that the valuation has remained substantially the same ever since?—A. I do not know what the valuation is at present, but I would say this, that Mr. Chase and I agreed, after our sharp words, and after, I am sorry to say, some profane language had been used—

Q. He did not swear, did he?—A. I should not want to say that he did not. Some days after the one on which the sharp words occurred, we agreed to leave it to the selectmen as arbitrators, not that I thought it was any of their business, but we so agreed. Mr. Chase was not present at the meeting of the arbitrators, but Mr. Dexter, for the mill, was present, and I was present; he and I making the statement—I for one side and Mr. Dexter for the other.



By the CHAIRMAN:

Q. At what was it finally fixed?—A. It was finally fixed, by leaving it to those selectmen to state what it should be, at \$180,000. Mr. Dexter showed that they had the spindles but they had not the looms, or at least had not all the machinery but only part of the machinery, and therefore we thought it but just to take off \$20,000 from the valuation.

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AMOS BATCHELDER sworn and examined.

By Mr. BLAIR:

Question. Where do you reside?—Answer. Eight miles from Manchaug Village, on one of the farms.

Q. State whether or not you have been on the board of assessors of that town; and, if so, for how long.—A. I took Mr. Searle's place, and have been on the board ever since.

Q. What has been the valuation of this mill property in question, from that time, and what is it at present?—A. It essentially remained the same. Of course the valuation of stock would vary in different years, but essentially the valuation of the mills, the real estate, and that part has remained the same as it was when I came on the board.

Q. What is it now?—A. It is somewhere from \$450,000 to \$480,000.

On motion of Mr. McDONALD, the committee adjourned to meet at the call of the chairman.

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## ERRATA.

In testimony of M. J. McCafferty (p. 177), the place spoken of as that at which the manufacturers' meeting was held should read "Worcester" instead of "Webster."

In testimony of F. M. Draper (p. 179), "Webster County" should read "Worcester County."

In testimony of Philip L. Moen (p. 315), "Webster" should read "Worcester."



IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1880.—Ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3261.]

The Committee on Pensions, to whom the bill (H. R. 3261) granting a pension to Elizabeth Dougherty was referred, find on examination that the applicant is the widow of Charles Dougherty, late sergeant Company C, Sixty-ninth Regiment Pennsylvania Volunteers; that said Sergeant Dougherty died at Germantown Hospital April 20, 1864, in consequence of an injury received by falling or being thrown from a railroad train; that the widow's claim for pension was rejected "for the reason that the claimant's husband was not in the line of duty when he received his fatal injuries." From this decision an appeal was taken to the Secretary of the Interior, who affirmed the rejection, and application is made to Congress for relief by special act.

The evidence in the case is decidedly contradictory. The strongest testimony in behalf of the claimant is that of Patrick Desmond, a sergeant, who states that the deceased, having returned from veteran furlough to Chester, was, in company with him, Desmond, sent to Philadelphia to gather up stragglers, and while in the act of getting on the cars for this duty was seized by one of the provost guard and fell, or was thrown, to the ground, sustaining fatal injuries from the passage of the cars over his body. Michael Brady corroborates this statement, and Lieutenant Taggart deposes that he has personal knowledge of the circumstance, time, and place of the injury.

Unfortunately, however, it is proven by the papers in the office of the Adjutant-General that Lieutenant Taggart was himself absent without leave at the very date when he thus deposes as to his personal knowledge of the facts. Sergeant Desmond's testimony, as quoted above, is also much weakened by the fact that in a previous statement, made a few months after the occurrence, when no question of pension was pending, and while the circumstances were all of recent date, he says that the soldier was on a pass to visit his family; and this is corroborated by Lieutenant Stewart, the adjutant of the One hundred and tenth Pennsylvania Regiment.

Sergeant Desmond's last statement, that both he and Dougherty received a *pass* from *some lieutenant* to go to Philadelphia and pick up stragglers, cannot be reliable, as Colonel Gregory, of the Ninety-first Pennsylvania Volunteers, was in command, to whom Sergeant Desmond reported, and, being in command, no lieutenant could have given a *pass* for the purpose indicated, as an order to arrest the stragglers would have been the authority given. Again, Desmond states that Dougherty him-

self had a *pass* and was in the act of showing it when the train moved off and the accident occurred, but Taggart and Brady contradict this, for they say that Desmond alone had the authority to go to Philadelphia and that Dougherty's permission was on the pass held by Desmond.

But the testimony of both Taggart and Brady is entitled to little consideration, since the records prove that the first information received by the captain of the company to which Dougherty belonged of the death of said soldier, some months after the occurrence, was from Sergeant Desmond, One hundred and fifteenth Regiment, Taggart and Brady up to that time not knowing enough about the matter to report the facts to their captain.

In support of the claim, it is shown in evidence that the deceased soldier was faithful and efficient, serving with gallantry and distinction for three years and then re-enlisting in the veteran corps. These facts have prompted the committee to give to the dependent family of the soldier the benefit of the doubt, and to recommend for their relief the passage of the bill with an amendment.



IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1880.—Ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bills H. R. 11 and S. 1452.]

*The Committee on Pensions, to whom were referred bills (S. 1452 and H. R. 11) granting a pension to Agnes Fairly, have carefully examined the same, and report as follows :*

David Fairly, deceased, was an officer in the late war. He did his whole duty, and was frequently commended by his superior officers for gallantry on the field of battle and good conduct in camp. He was wounded in one of the battles in Virginia, in consequence of which he lost one of his arms. He returned to his command in forty days after his arm had been cut off and served his country faithfully to the close of the war. After the war had closed he received the appointment of first lieutenant in the Seventh Cavalry Regiment. On the 22d day of March, 1867, he was granted leave of absence for thirty days, and while absent from his command on such leave he lost his life, by falling off of the cars while in motion *en route* from Washington to Philadelphia. The coroner's inquisition relieved the railroad company and its employes of all blame in connection with his death. His widow, the said Agnes Fairly, who now resides in Scotland, and is the subject of a foreign government, made application in due form for a pension, which was rejected on the ground that her said late husband, when killed, was not in the line of his duty. This decision is in conformity to the uniform ruling of the Commissioner of Pensions.

The committee believe, if the law is right, she is not entitled to a pension ; if the law is unjust, then it ought to be repealed or amended so as to operate on all alike. All private legislation is vicious, and should never be resorted to except in extreme cases where great injustice would otherwise be done.





IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1880.—Ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1806.]

*The Committee on Pensions, to whom was referred the bill (H. R. 1806) granting a pension to Michael Lingenfelter, have carefully examined the same, and report as follows:*

The claimant enlisted in Company L, Nineteenth Pennsylvania Cavalry, on the 12th of October, 1862, and was honorably discharged on the 25th of November, 1865. His application for pension was rejected by the Commissioner of Pensions for want of testimony of comrades who were present when claimant was injured. He claims that while in the line of duty as a scout his horse fell and threw him on the pommel of the saddle, thereby causing a rupture to the left side, which disabled him from doing further military duty, and he was sent to the hospital at Memphis, and thence to the Veteran Reserve Corps, Company I, Sixteenth Regiment. His comrade, Joseph Walter, who was with him when he received the injury, and the only person present, died before he made application for pension.

Several affidavits from the members of his company and others aver that the claimant's statements are true, and that he was well before the time stated as to date of injury, was so injured, and that the disability still exists. The committee therefore recommend the passage of the bill, with the following amendments: Strike out all after the word *cavalry*, in line 7, all of lines 8, 9, 10, 11, to and including the word *being* in line 12. After word *duty*, in line 14, add the following: "subject, however, to the laws governing the rate of disability."





IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1880.—Ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3264.]

*The Committee on Pensions, to whom was referred the bill (H. R. 3264) granting a pension to Abner Hoopes, have carefully examined the same, and report as follows :*

The testimony on file shows that the claimant served faithfully in the late war in Company A, First Regiment Pennsylvania Volunteers, from December 10, 1861, for nearly three years. He claims that on the march from the Wilderness to Petersburg, Va., he contracted a cold, resulting in spinal disease, all of which is supported by the affidavit of the adjutant of the regiment in which he served. The adjutant states that the disease rendered the claimant entirely helpless, requiring the constant attention of a nurse. The records do not corroborate his allegations, but show that he was on duty with the ammunition train and with his company from June, 1864, until he was discharged by reason of the expiration of the term for which he was enlisted. There is no medical evidence of treatment for the alleged disease while in the service, nor of its existence prior to 1871, and the claimant declares his inability to furnish medical evidence prior to that time, as the two physicians who attended him immediately after his return are dead. On the other hand an abundance of testimony is given by his neighbors tending to show that he was so disabled on his return from the Army, and that his disability still continues. These facts are further sustained by the testimony of several of his comrades, who testify that his disability was occasioned by exposure in service.

The committee therefore recommend the passage of House bill 3264 with amendment.



IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1880.—Ordered to be printed.

Mr. PLATT, from the Committee on Pensions, submitted the following

REPORT:

*The Committee on Pensions, to whom was referred the petition of P. P. Lytle and others, praying for the passage of a special act granting an increase of pension to William Young, have carefully examined the same, and report:*

The petition alleges that said William Young is the survivor of three wars, having served as a drummer in the war of 1812, as a private in the Mexican war, and in the late war as private in Company K, One hundred and sixteenth Illinois Volunteers, from which he was honorably discharged, January 12, 1863, upon surgeon's certificate of disability; that he has been pensioned as a survivor of the war of 1812, at the rate \$8 per month, commencing March 9, 1878; "that he is now advanced in years, and is not able to earn a livelihood by his labor"; and the petitioners pray that his pension may be increased to an amount which will render his declining years comfortable.

No evidence of his service in the Mexican war or in the late war is produced, but is presumed to be correctly alleged. No evidence is submitted other than the allegations of the petition above quoted to show the extent of his present disability or his present necessities.

From the fact that he has made no application to the Pension Bureau to be pensioned on account of disease or disability contracted or incurred during his service in the late war, it is presumed that he is not pensionable upon that ground.

The question that seems to be presented is, whether a person now enjoying a pension as a survivor of the war of 1812 is entitled to an increase of pension solely because he also served in the Mexican war and in the late war.

The committee cannot recommend the increase upon that ground alone, and ask that they may be discharged from the further consideration of the petition.



IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1880. —Ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4759.]

The Committee on Pensions having examined the bill (H. R. 4759) granting increase of pension to Richardson K. Baird, together with the petition of said Baird and the papers filed in the Pension Office, find that the petitioner is now receiving a pension at the rate of \$4 per month for partial deafness. He claims an increase on the ground of increasing disability. As the provisions of existing law authorize the payment of a pension of \$13 per month for total deafness, and the regulations of the bureau have determined on a scale of pensions rated according to the disability found to exist, ranging from \$1 per month up, and as the Pension Bureau is fully competent to determine the degree of disability actually existing in the case, and the proper pension therefor, the committee recommend that the further consideration of the bill and petition be indefinitely postponed.

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IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1880.—Ordered to be printed.

Mr. EDMUNDS, from the Committee on the Judiciary, submitted the following

REPORT:

*The Committee on the Judiciary, which was instructed by a resolution of the Senate passed on the 10th of June, 1879, to "inquire, ascertain, and report which of the Pacific Railroads are discriminating against the United States in favor of private shippers; how long such discriminations have been made by each company; the extent of such discriminations; and what further legislation, if any, is necessary to protect the United States in reference to the same," respectfully reports:*

That, in obedience to said resolution, it has considered the subject and found, in general, that the supposed discriminations had consisted, usually, in the company requiring the United States to pay for its transportation the rates provided by its general tariff applicable to all shippers, as a rule; but that it has carried similar freights for particular shippers under special contracts, providing that the particular shipper, under the special contract, should give to the railroad company all its business between the points proposed. In such a case the company claims that it makes no unjust or unequal discrimination.

The provisions of the charters and laws applicable to the railway companies which have received aid from the United States are quite various, but have a general similarity. It is sufficient for the purposes of this report to cite the two principal ones.

That applying to the Union Pacific, Central Pacific, Kansas Pacific, Central Branch Union Pacific, Sioux City and Pacific, and Denver Pacific, is as follows:

That \* \* \* said company shall at all times transmit dispatches over said telegraph line, and transport mails, troops, and munitions of war, supplies and public stores upon said railroad for the government, when required to do so by any department thereof, and that the government shall at all times have the preference in the use of the same for all the purposes aforesaid (at fair and reasonable rates of compensation not to exceed the amounts paid by private parties for the same kind of service). (12 Stat., p. 493, sec. 6.)

The provision applying to the Southern Pacific, Northern Pacific, Atlantic and Pacific, Saint Louis and San Francisco roads, is as follows:

That the said company shall not charge the government higher rates than they do individuals for like transportation and telegraph service.

That said \* \* \* railroad, or any part thereof shall be a post-route and military road, subject to the use of the United States for postal, military, naval, and all other government service, and also subject to such regulations as Congress may impose restricting the charges for such government transportation. (14 Stat., p. 295, sec. 5, and p. 297, sec. 11.)

The provisions relating to most if not all the other roads, will be found brought together in the report of the Auditor of Railroad Accounts for the year 1879, pp. 212, 213.

It will be seen from the provisions above quoted that the rights of the United States and the duties of the companies are fixed by definite provisions of law, which are, in substance, that transportation is to be furnished to the United States at reasonable rates, and not exceeding the amounts paid by private parties for the same kind of service. These provisions are, in the opinion of the committee, substantially what the common law is in relation to all common carriers. If, as it appears from some of the papers attached to this report, some persons have, on some of these roads, obtained freights at less rates than the United States and general shippers, the question whether that entitles the United States to have its freights between the same points at the same special rate, is, in the opinion of the committee, principally a judicial one, which, in case of dispute, can readily be determined according to the circumstances of each particular case by resort to the judicial tribunals. The law seems to be adequate to the protection of all the just rights of the United States. The only difficulty in a given case is the ordinary business and judicial one of applying the law to the particular circumstances. The committee is not aware that any legislation is necessary to accomplish this end. If the Executive Department of the government is of opinion that unwarranted discriminations are for any cause made against the United States, it is its duty, through the proper channels in the adjustment of the accounts of the companies for transportation, to insist upon the proper reduction, and a correction of the wrong; and, if in such a case any railroad company thinks the claim of the United States unwarranted, it has only to commence a suit in the Court of Claims for the recovery of such sums as may have been thus disallowed. In such case it will be the duty of that court, or of the Supreme Court, on appeal, to determine each case on its own merits.

It will thus be seen that if any wrong of the kind mentioned in the resolution of the Senate has been or shall be committed against the interests of the United States, complete means of redress are already in possession of the Executive Department of the government.

If any serious case should occur, such as is mentioned in the papers hereto attached, of a refusal by any company to transport freight for any reason not legally justifiable, the ordinary remedy of private persons in such a case, by suit at law, is open to the United States through the action of the Executive Department; and also, in a suitable case, more stringent and decisive proceedings for a forfeiture of all rights derived by such company from the United States, including its charter, if it have one, on the ground of a disregard of its charter obligations.

The committee is of opinion that under the circumstances no legislative step is at present advisable touching the matter mentioned in the resolution. They therefore ask to be discharged from a further execution of the order of the Senate.

*Papers attached.*

Letter of the Secretary of War, of the 15th April, 1879, addressed to the President of the Senate, with accompanying papers, being Executive Document No. 14, Forty-sixth Congress, first session.

[S. Ex. Doc. No. 14, Forty-sixth Congress, first sess'on.]

*Letter from the Secretary of War, communicating, in answer to a Senate resolution of April 7, 1879, information in relation to discriminations by the Union Pacific Railroad Company in the rates of freights to private shippers as against the United States.*

WAR DEPARTMENT,  
Washington City, April 15, 1879.

The Secretary of War has the honor to transmit to the United States Senate the inclosed report, dated the 12th instant, and accompanying papers, from the Quartermaster-General, in response to Senate resolution dated the 7th instant, directing copies to be furnished of any and all reports made by the Quartermaster-General about the month of October, 1878, and prior and subsequent to that date, of any discrimination made by the Union Pacific Railroad Company in favor of private shippers as against the United States, and all correspondence relating thereto.

GEO. W. MCCRARY,  
Secretary of War.

The PRESIDENT  
Of the United States Senate.

WAR DEPARTMENT,  
QUARTERMASTER-GENERAL'S OFFICE,  
Washington, D. C., April 12, 1879.

SIR: I have the honor to return herewith the resolution of the United States Senate of April 7, 1879, "that the Secretary of War be directed to furnish to the Senate any and all reports made to him by the Quartermaster-General of the United States Army, about the month of October, in the year 1878, and prior and subsequent to that date, of any discrimination made by the Union Pacific Railroad Company in favor of private shippers as against the United States, and all correspondence relating thereto," and to inclose herewith copies of the report of this office, dated October 8, 1878, and accompanying papers on the subject; also copies of report of this office, dated September 17, 1878, and accompanying papers, relating to a similar charge made against the Northern Pacific Railroad Company; which I recommend for transmittal to the Senate in response to its resolution.

No other report of the character stated is found of record in this office.

Very respectfully, your obedient servant,

M. C. MEIGS,  
Quartermaster-General, Bvt. Major-General, U. S. A.

The Hon. the SECRETARY OF WAR.

QUARTERMASTER-GENERAL'S OFFICE,  
October 3, 1878.

A system is in operation between railroad companies and intermediates by which transcontinental freight is transported for private shippers at prices less than the Quartermaster's Department pays for the same service.

The Pacific Railroads are involved in this; their acts of incorporation require that the rates to be paid to them by the United States "shall not exceed the rates paid by private parties for the same kind of service."

Private shippers pay cash to the intermediates; the Quartermaster's Department is hampered by prohibitory laws in settlements with land-grant and the Pacific Railroads, hence the difficulty and the apparent evasion of law on the part of the Pacific Railroads.

Respectfully submitted to the Quartermaster-General for instructions.

HENRY C. HODGES,  
Deputy Quartermaster-General, U. S. A.

*Remarks of the Quartermaster-General.*

We lately reported on charge by some Pacific Railroad against United States at greater rates than charged citizens, in violation of their fundamental law.

Report this case in the same way.

The Treasury should have full information and deduct, in settlement under the law, for all credits to the Pacific Railroads, whatever appears to be excessive and illegal charges, i. e., greater than charged to other persons.

The Secretary of the Treasury is trustee for the Pacific Railroads, and has the matter and the power in his hands.

The only difficulty will be to get necessary information in each case.

M.

QUARTERMASTER-GENERAL'S OFFICE,  
April 10, 1879.

A true copy.

HENRY C. HODGES,  
Deputy Quartermaster-General, U. S. A.

WAR DEPARTMENT,  
QUARTERMASTER-GENERAL'S OFFICE,  
Washington, D. C., September 17, 1878.

SIR: I have the honor to submit herewith communications received at this office from the vice-president and the general manager of the Northern Pacific Railroad, admitting that that railroad company is in the habit of making cheaper rates with individuals than with the United States, notwithstanding the terms of the law of July 2, 1864 (13 Stat., 365), which seems to forbid such action.

It appears to me that the railroad is in the wrong. But it is a question of great importance and should be settled only after full consideration of the law.

All the accounts heretofore allowed are on record, and the case should be fully investigated, and the railroad should be charged with any illegal excess in the rates charged and allowed and paid.

For this purpose these papers should be seen by the Third Auditor and Second Comptroller and by the Auditor of Railroad Accounts (Chap. 316, 45th Congress, 2d session, p. 169, Statutes of 1877-1878).

The final decision for the United States, I presume, will rest with the Secretary of the Treasury, who has special duties in connection with the Pacific Railroads and land-grant railroads.

Very respectfully, your obedient servant,

M. C. MEIGS,  
Quartermaster-General, Brevet Major-General, U. S. Army.

The Hon. the SECRETARY OF WAR.

WAR DEPARTMENT,  
QUARTERMASTER-GENERAL'S OFFICE,  
Washington, D. C., September 3, 1878.

SIR: I inclose for your examination a communication from the Subsistence Department reporting information received by that department to the effect that the Northern Pacific Railroad Company is contracting with private parties for transportation at less rates than the charges for like transportation furnished the United States.

As such action on the part of the railroad company seems to be a violation of the law of July 2, 1864, providing that "the said company shall not charge the government higher rates than they do individuals for like transportation," I invite your attention to the matter, with request that you take measures to correct any infringement of the law, and to secure to the Quartermaster's Department as low rates as any that are made with private parties.

Very respectfully, your obedient servant,

STEWART VAN VLIET,  
Acting Quartermaster-General, Brevet Major-General, U. S. Army.

Mr. C. B. WRIGHT,  
President Northern Pacific Railroad, New York City.

NEW YORK, September 4, 1878.

SIR: In the absence of Mr. Charles B. Wright, president of the Northern Pacific Railroad Company, I have to acknowledge the receipt of your favor of 3d instant to him with copy of communication from Subsistence Department relative to charges on corn from Duluth to Bismarck, and suggesting a seeming violation of the law of July 2, 1864, providing that "the said company shall not charge the government higher rates than they do individuals for like transportation."

The contracts of this company with Leopold and Austrian, owners of the line of

steamers between Chicago and Duluth, are made at the office of our general manager at Saint Paul, and not having copies at hand for reference, I cannot now say whether or not it has been correctly stated to you that they pay us fifty cents a hundred on corn from Duluth to Bismarck, while the government is charged a higher rate.

I, however, know in a general way that we have contracts in existence that open the question which you now present, and, for the purpose of a reply, I may assume that General Morgan states the case correctly.

We have to say, in reply, that this matter has been carefully considered heretofore by the company, and we believe the law has not been violated. Our established rates of fare and freight are precisely the same for the government as for individuals, "for like transportation." Where business is brought to us without limitation or restrictions, except such as lie upon us under the law, all parties are treated alike, and the government pays neither more nor less than individuals. But when special contracts for transportation are asked for between competing points, the question of "like transportation" is materially affected by the conditions of such contracts.

In all of the special contracts between our company and individuals that have come to my notice—and I have no doubt that of Leopold and Austrian's is similar—a provision is inserted that the individual contractor shall send over our road *all* of his business to the point of destination named. This is the basis and groundwork of the reduction made from regular established rates, without which the contract cannot be made. The government does not offer this inducement.

It advertises for proposals to transport a given quantity of freight to Bismarck, and only assigns to us so much of it as it deems for its interest to do. It may and does assign to us a fractional part only, and sends other parts by way of the Missouri River.

Hence it is not to us, in comparison with the individual business, "like transportation," and in our opinion cannot be claimed to rate at any less than regularly established public rates, unless specially contracted for, and we think cannot be compared with any individual contract, unless placed under the same condition.

Respectfully, your obedient servant,

GEORGE STARK,  
*Vice-President.*

True copy.

CHAS. H. TOMPKINS,  
*Deputy Quartermaster-General, U. S. A.*

General STEWART VAN VLIET,  
*Quartermaster-General, U. S. A., Washington, D. C.*

QUARTERMASTER-GENERAL'S OFFICE,  
*Washington, D. C., October 8, 1878.*

SIR: I have the honor to submit copies of correspondence between this office and the depot quartermaster New York City, showing a system in operation by which transcontinental freight is transported for private shippers at prices less than the Quartermaster's Department is charged for the same service.

The Union and Central Pacific Railroad Companies are involved in this. Their acts of incorporation require that the rates to be paid to them by the United States "shall not exceed the rates paid by private parties for the same kind of service."

Private shippers pay cash to the authorized agents or intermediates of the railroad companies whose lines form the through connection to the Pacific coast.

The Quartermaster's Department can only legally pay a small portion of the freight money *in cash*, as explained in the correspondence; hence the difficulty and the apparent evasion of law on the part of the Pacific Railroads.

On September 17, 1878, I reported to the Secretary of War a charge made by the Northern Pacific Railroad Company against the United States at greater rates than charged citizens as a violation of their fundamental law, and in that case I expressed the opinion that the papers should be seen by the Third Auditor and Second Comptroller of the Treasury and by the Auditor of Railroad Accounts. (Chap. 316, Forty-fifth Congress, second session, p. 169, statutes of 1877-78.) The facts developed in the inclosed correspondence should, I think, take the same course.

The Treasury should have full information, and deduct in settlement under the law for all credits to the Pacific Railroads whatever appears to be excessive and illegal charges, *i. e.*, greater than charged to other persons.

The Secretary of the Treasury is assignee of the Pacific Railroads and has the matter and the power in his hands. The only difficulty will be to get necessary information in each case.

Very respectfully, your obedient servant,

M. C. MEIGS,  
*Quartermaster-General, Bvt. Maj. Gen., U. S. Army.*

To the Hon. the SECRETARY OF WAR,

QUARTERMASTER-GENERAL'S OFFICE,  
Washington, D. C., May 20, 1878.

COLONEL: Your attention is invited to the subject of shipments by the Quartermaster's Department from the east to the Pacific coast.

Apparently some arrangement exists under which the "California Fast Freight Line" and other organizations are authorized, by corporations which operate lines of railway across the continent, to make rates for through transportation lower than the published tariffs of the same corporations.

Payments by the Quartermaster's Department, directly or indirectly, for transportation over the land-grant and bonded portions of the railroads forming this through connection, are prohibited by the laws of March 3, 1873, and March 3, 1875 (published in General Orders Nos. 48, A. G. O., of 1873, and 62, A. G. O., of 1874).

This prohibition of law would compel the Quartermaster's Department to make *pro rata* deductions from the rates offered by these intermediaries of shippers and railroad corporations.

But certificates of service are issued for land-grant transportation (see par. 7 of G. O. No. 107, A. G. O., of 1875), on which legal settlements will no doubt eventually be made when the questions at issue are finally determined by competent authority.

And the earnings of the bonded Pacific Railroads by military transportation are applied by the Secretary of the Treasury on the indebtedness of those railroads on account of the interest paid by the United States on bonds issued in their behalf. These land-grant and bonded roads are the beneficiaries of the United States. By section 6 of the act of July 1, 1862, incorporating the Pacific Railroad Companies, it is provided that they shall "transport mails, troops, munitions of war, supplies and public stores upon said railroad for the government whenever required to do so by any department thereof, and that the government shall at all times have the preference in the use of the same for all the purposes aforesaid (at fair and reasonable rates of compensation, *not to exceed the rates paid by private parties for the same kind of service*)."

There is nothing in law or orders prohibiting the issue by the Quartermaster's Department of one bill of lading through from New York, Chicago, or any other point, to San Francisco, Yuma, or other point on the Pacific slope, when the interests of the United States are subserved thereby.

As a convenience, and at the request of the railroad companies, separate bills of lading are issued for the service required of the Pacific Railroads, but this practice may be waived whenever desired, and a through bill, with proper notations as to mode of settlement, may be issued; certificates of service, showing the value thereof, to be given to the bonded and land-grant railroads, as provided in existing orders.

Now, in view of these facts, can these organizations legally refuse government freight at as low rates as they offer private shippers?

You are requested to ascertain from the "California Fast Freight Line," and report to this office, whether under the mode of settlement above indicated it will refuse government freight or discriminate against the United States in shipments and charges.

Very respectfully, your obedient servant.

By order of the Quartermaster-General.

STEWART VAN VLIET,  
*Asst. Quartermaster-General, Bvt. Maj. General, U. S. Army.*

Col. L. C. EASTON,  
*Depot Quartermaster, New York City.*

[1st indorsement.]

DEPOT QUARTERMASTER'S OFFICE,  
New York City, June 10, 1878.

True copy respectfully referred to Mr. E. Hawley, general eastern agent "California Fast Freight Line," New York City.

This office having been informed by him that his present instructions would not permit his signing a through bill of lading for government freight from New York City to San Francisco, Yuma, Cal., &c., Mr. Hawley is respectfully requested to take with as little delay as possible such steps as he may deem necessary to obtain the consent of the Iowa lines and connecting Pacific roads, with the view of their adopting the plan suggested by the Quartermaster-General of the Army.

In a shipment New York City to San Francisco, Cal., on through bill of lading, payment in cash could be made by this office to the "California Fast Freight Line" for freight New York City to Mississippi River (New York City to Cedar Rapids, if sent over Chicago and Northwestern Railroad) immediately upon return to this office of the "original" bill of lading properly indorsed by the depot quartermaster at San Francisco, Cal., and certificates of service for the transportation furnished by the land-grant and bonded railroads would be issued separately to each road. The proper notations, giving the proportion of through rate due to each road, would appear on the bills of lading. See form inclosed herewith.

It is believed that this plan, if adopted, would meet all necessary requirements. Particular care should be taken to prevent loss of the "original" bills of lading on which payments are made.

L. C. EASTON,  
Colonel and Assistant Quartermaster-General, U. S. A.,  
Depot Quartermaster.

[Form No. 17.—Quartermaster's Department, U. S. A.]

*Original.—Bill of lading.*

Received New York City, 187—, from Col. L. C. Easton, depot quartermaster, United States Army, the following articles and packages of public property specified below (contents and value unknown), in apparent good order and condition, to be forwarded by the California Fast Freight Line and connecting lines, from New York City to San Francisco, Cal., there to be delivered in like good order and condition unto the depot quartermaster, United States Army. Freight to be paid on the original bill of lading to the California Fast Freight Line by the disbursing quartermaster, United States Army, at New York City, and at the rates hereinafter stated.

These stores are *en route* from ——— to ———.  
(Signed in duplicate.)

\_\_\_\_\_,  
*Agent for* ———.

DEPOT QUARTERMASTER'S OFFICE,  
New York City, 187—.

I certify that I have shipped this day, by the California Fast Freight Line, the stores specified on this bill of lading, and that the weight is five hundred (500) pounds.

*Quartermaster, United States Army.*

Marks.	No.	Packages, &c.	Contents.	Weight.	Rate and class.
Depot quartermaster, San Francisco, Cal.	2	Two boxes..	Clothing...	Lbs. 500	Through rate, New York City to San Francisco, Cal., \$6 per 100 pounds, 1st class.
Proportions.				Per 100 pounds.	
New York City to Mississippi River, payable in cash to C. F. line. Mississippi River to Missouri River (Iowa lines.) Bridge, Council Bluffs to Omaha ... Union Pacific Railroad ..... Central Pacific Railroad .....					{ Land-grant railroad, pay- ment prohibited by law. Certificates of same to be issued.
				\$6 00	

CALIFORNIA FAST FREIGHT LINE,  
[ Via Chicago and Northwestern, Chicago, Rock Island and Pacific,  
Chicago, Burlington and Quincy Railroads, in connection with  
Union and Central Pacific Railroads ],

GENERAL EASTERN AGENCY, 319 BROADWAY,  
New York, September 25, 1878.

Col. L. C. EASTON,  
Col. and A. Q. M. Gen'l, U. S. A., Depot Quartermaster :

DEAR SIR: Referring to the inclosed correspondence relative to issuing a through bill of lading to the Pacific coast for government freight, the matter having been submitted to the proper authorities representing the Iowa and Pacific Railroads, I am instructed in reply to state that they decline to transport government freight on through bill of lading for the reason that each road desires to keep its account separately with the government, which could not be done if a through bill of lading was issued by any one of the roads interested.

Respectfully, yours,

E. HAWLEY.



## PACIFIC RAILROADS.

[1st indorsement.]

DEPOT QUARTERMASTER'S OFFICE,  
*New York City, September 26, 1878.*

Respectfully submitted to the Quartermaster-General of the Army, in reply to his communication to this office, dated May 20, 1878, a copy of which is inclosed.

From this letter of the general eastern agent "California Fast Freight Line," and the length of time taken in sending a reply, it would appear that these railroad companies are anything but disposed to give the matter favorable consideration.

L. C. EASTON,  
*Col. and A. Q. M. Gen., U. S. A., Depot Quartermaster.*

QUARTERMASTER-GENERAL'S OFFICE,  
*April 8, 1879.*

True copy.

HENRY C. HODGES,  
*Deputy Quartermaster-General, U. S. A.*

2

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1880.—Ordered to be printed. .

Mr. PRYOR, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 1203.]

*The Committee on Claims, to whom was referred the bill (S. 1203) based upon the memorial of Margaret B. Franks, praying for compensation for property taken for the use of American troops at Green Bay, Wisconsin, in the years 1816 and 1817, having considered the same, report:*

That as appears from the memorial of the said Margaret B. Franks and accompanying papers, one Jacob Franks, a resident of Green Bay, and within the Northwest territory, and now in the State of Wisconsin, for many years before and for many years after the treaty known as the "Jay Treaty," between the United States and Great Britain, and by said treaty transferred to the United States, the same at and before said treaty being domain belonging to the British Government, the said Jacob Franks preferring to remain a subject of Great Britain, and at the time of the said "Jay Treaty" being the owner of a considerable estate, consisting of farms, merchandise, cattle, and other personal effects, assigned and transferred the same to his nephew, John Lowe, who was then the most opulent business man at Green Bay, possessing and cultivating several well stocked farms, and carrying on an extensive Indian trade, in all of which Franks still held an interest as his patron and creditor, and, as alleged, became the owner of the supplies for which compensation is claimed; that after the said treaty the United States established a post at Green Bay, with a garrison known as Fort Crawford; that in the years 1816 and 1817, the United States, by its troops, took possession of the said post at Green Bay, with Fort Crawford; that the advent of said troops at Fort Crawford was an era in that country; that the post at that place was far away from supplies; that provisions and supplies were scarce and high and had to be heavily drawn upon to supply the citizens and soldiers; that not only quartermaster supplies were taken and used by said troops, made up of beef-cattle, corn, oats, and hay, but that work-oxen, horses, wagons, lumber, and labor were furnished by said Lowe and others to the amount as shown in the petition of \$3,576.41 $\frac{3}{4}$ , consisting of three several bills of particulars; one \$1,754.66 $\frac{3}{4}$ ; one for \$1,143.75; and one for \$678.00; running through both years, 1816 and 1817. Five hundred and sixty-two dollars and fifty cents of the \$1,143.75 account was made, as appears from the account itself, with one Lewis Grigson, but set up in the memorial as belonging to the said Jacob Franks. For a better understanding of this report reference is made to said accounts and other papers constituting the file.

It is alleged in said memorial that vouchers were given for the items embraced in said accounts by the commanding officers. It is alleged that proper vouchers were forwarded to the War Department for settlement soon after the accounts accrued, but the great distance and the unfrequent and expensive communications between the residence of the claimants and the seat of government prevented them from urging the settlement and furnishing explanations and additional vouchers required. That it is alleged that on subsequent inquiry no statement or evidence of the accounts could be found on file, nor any papers from Fort Crawford, and it was presumed they were destroyed by the conflagration of the War Department in 1833. It is alleged in the memorial that Thomas L. Franks was the son and heir of Jacob Franks, and that the said Thomas Lowe became the sole party interested in said accounts. That the memorialist, the said Margaret B. Franks, was the wife and sole representative of the said Thomas L. Franks, deceased, but it is not stated when either the said Jacob or Thomas L. Franks died. It is alleged that the said John Lowe died in the year 1846. It is alleged that the said Thomas L. Franks, failing to secure a settlement of the said account during previous years at the War Department, in the year 1840, presented his claim to Congress, but that no report was ever made for or against the claim, as is alleged, supposed to be on account of the want of properly shaped papers, and also because, as they suppose, that General McComb refused to allow said accounts on the grounds that the charges were unusually high.

Attached to the account for \$1,754.62½ is a paper writing having the appearance of an old paper, dated "Mackun, 13th August, 1817. Please pay to Mr. Jacob Franks or his order the sum of seventeen hundred and fifty-four dollars and sixty-six and two-third cents, being the full amount of my account with the United States herewith. Signed John Lowe." This memorial, upon which the present bill seems to be based, was presented to Congress as per indorsement of reference March 13, 1871, and bill No. 983 referred April 17, 1872, with one report by Mr. Davis, of West Virginia, dated April 17, 1872, favorably to the allowance of the account for \$1,754.66½ and excluding the other two for want of proof.

But upon a close inspection of this claim it will be seen that the original accounts were not forwarded to the War Department as alleged, but are now with the papers and were not consumed by fire or otherwise destroyed, and upon examination it will be found that the account for \$1,754.66½ embraces all that was claimed by the said Lowe as due to him, and for which he executed the order payable to Jacob Franks, on the 17th day of August, 1817, in which he says it is the full amount that the United States is indebted to him, Lowe. The account for \$1,143.75 is made up of two accounts—one for \$581.25 for beef taken by Lewis Morgan, contracting agent, for use of troops, in favor of the said Lowe, dated 17th August, 1817; the other for the sum of \$562.50, in favor of Lewis Grigson, dated February 20 and 21, 1817; and the order and transfer, if it shall be so considered, of Lowe to Jacob Franks, the 13th of August, 1817, showing, as in his said order declared, that it was all included in that account and settlement to which said order is attached, and that the said order embraced all that was claimed then against the United States, and that the accounts for \$1,143.75, and the one for \$678, dated the 20th November, 1816, and the 17th March, 1817, was likewise included in the account of \$1,754.66½, and for which Lowe drew the order on the United States, in favor of Jacob Franks, on the 13th August, 1817.

These conflicts and discrepancies, together with fifty-three years' confessed delay, is enough, in connection with the want of any evidence whatever that the petitioner is the owner of the claim or of having any right whatever to collect, recover, or receive the same in her own right, even if it was a subsisting claim against the government, to compel its rejection, and it may be that the evidence of payments was burned up with the papers of Fort Crawford, as alleged by petitioner. The committee therefore report adversely to the same and that the same be not allowed, and that the bill and petition be indefinitely postponed and the committee be discharged from further consideration of the same.





IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1880.—Ordered to be printed.

Mr. McMILLAN, from the Committee on Claims submitted the following

REPORT:

[To accompany bill S. 757.]

*The Committee on Claims, to whom was referred the bill (S. 757) for the relief of Gallus Kerchner, have considered it, and respectfully submit the following report:*

Suit was brought in the Court of Claims by the claimant, Kirchner, against the United States upon the contract out of which his alleged claim arises, and the matter was fully considered and determined by that court, and the claimant received by the judgment of the court \$1,377.50. The court was divided in opinion, and, from the examination of the case as submitted to us, there is at least great doubt in our minds whether he should have received anything at all under his contract. (*Kerchner v. United States*, 7 Nott & Huntington, 579 *et seq.*)

At the second session of the Forty-third Congress the claim was again before the Senate, and referred to the Committee on Claims, who reported to the Senate (R. 676) recommending that the whole matter be referred to the Court of Claims, &c. No action was taken by the Senate upon the bill reported by the committee.

At the first session of the Forty-fourth Congress the claimant presented his petition and accompanying papers to the Senate for the allowance of the same claim, and the matter was fully considered by the Committee on Claims of the Senate, to whom the claim was referred. The committee submitted to the Senate the following adverse report (S. R. 433):

*The Committee on Claims, to whom were referred the petition and accompanying papers of Gallus Kerchner, submit the following report:*

Memorialist, by his contract of July 21, 1864, agreed to deliver stone, at a price named therein, for the purpose of constructing the arsenal building at Indianapolis, Ind. For this stone, as well as that delivered on a prior contract (not necessary to here refer to), he received from the government \$7,144.70. In 1870 he brought his suit in the Court of Claims, and by the judgment of a majority of said court (two judges dissenting) he was allowed the further sum of \$1,377.50. He now asks to be allowed \$34,350.50 for stone used in various buildings on the arsenal-grounds, and also \$18,390 extra compensation for stone used in the main building, or that his case may be recommended to the Court of Claims for readjudication.

At the last session your committee reported a bill allowing claimant to go to the Court of Claims. That in this we were in error, we now entertain no doubt.

The case was very fully heard before the Court of Claims. Testimony was taken, after due notice, at great length, and this, after full argument, was submitted to the court. The case did not go off on any question of jurisdiction. There was no want of opportunity to be heard upon the merits. Three of the judges found (as we think really against the weight of evidence and the law of the case) that claimant should be

allowed \$1,377.50 over and above the amount already paid, and that, too, though he had executed receipts in full for the stone delivered. There was testimony tending to show that he had been paid for every foot of stone delivered according to the very terms of his contract. It is true there was also evidence that he, by reason of his nativity, did not very well understand our language, nor perhaps act with the utmost business sagacity in making his contract, and that he protested that more was owing him at the time he signed the last voucher. But it also appears that at the very time his attorney told him he would not be estopped from claiming more, the claimant only pretended that there was "somewhere near \$5,000 owing over and above the amount he was then receipting for." At another time his attorney said he had no doubt "that there was six or seven thousand dollars yet due claimant."

But without referring more at length to this evidence, which is very voluminous, and which was all before the court (and if not there, as far as we can see, it was claimant's fault), it is sufficient to say that the court seems to have duly considered the case in all its aspects, and to have reached a conclusion which, in our opinion, was fully as fair and just to claimant as he could reasonably expect. But, if the court erred in its judgment, we can only repeat what we have frequently had occasion to say during this session and heretofore, that it is not within our province, nor any part of our duty, nor, indeed, within our legitimate power, to revise and review these judgments. This is but another instance where a party has had his day in court, has had full opportunity to present his case on its merits, has not been as successful as he hoped (nor as we, perhaps, might, for the argument, admit, as he should have been), and now asks Congress to review the judgment of the court or give him a new trial; and that, too, though he claimed but \$12,754.50 in his former action before the court; and though he and his attorney had not, at the time of settlement, pretended that there was owing over \$7,000, he now insists that he should have the case reopened, so that he may recover over \$50,000, or more than seven times the amount he was paid, and for which he executed receipts under his original contracts. It seems to us about time this thing was concluded. If not, there is no telling how much the government may be liable for in the end. Claimant may have made an unfortunate contract, but of this the court fully inquired. It is possibly true that the judgment was to his prejudice (but it is a bare possibility), and yet, under well-recognized and well-settled rules (and rules which cannot be too often repeated, nor too stoutly adhered to, for the interest of the government and the due execution of contracts), we feel constrained to recommend, and do recommend, that this claim be rejected, and that the Senate, by its vote, so order.

At the first session of the Forty-fifth Congress the claim was again before the Senate, and the Committee on Claims, to which were referred the petition and accompanying papers of the claimant, made the following report thereon, which was adopted (S. R. 10):

*The Committee on Claims, to whom was referred the bill (S. 91) for the relief of Gallus Kerchner, respectfully report as follows:*

The petition, and papers accompanying the same, of Gallus Kerchner were referred by the Senate to this committee at the first session of the Forty-fourth Congress. The committee, having fully considered the claim of the petitioner at that time, submitted their report thereon in writing, by which the committee recommended that the claim be rejected, and that the Senate, by its vote, so order (Forty-fourth Cong., 1st sess., S. R. 433), which report was adopted and the claim was rejected.

Rule 58 of the standing rules of the Senate provides as follows: "Whenever a claim is presented to the Senate and referred to a committee, and the committee report that the claim ought not to be allowed, and the report shall have been agreed to by the Senate, it shall not be in order to move to take the papers from the files for the purpose of referring them at a subsequent session, unless the claimant shall present a memorial for that purpose, stating that new evidence has been discovered since the report, and setting forth the new evidence in the memorial."

The memorial in this case is merely an argument for a rehearing of the case, and contains no statement that any evidence has been discovered since the report of the committee, and no additional evidence whatever is submitted.

The present case is perhaps a good illustration of the beneficial operation of the rule.

Your committee report back the petition mentioned, and asked to be discharged from its further consideration.

The bill now before the Senate (S. 757) was, upon its introduction, referred to the Committee on Military Affairs, and by that committee referred to the Secretary of War, who returned the same to the commit-

tee with accompanying papers. Whereupon the Committee on Military Affairs reported the bill and accompanying papers to the Senate, and asked to be discharged from its further consideration; which was agreed to, and the bill and accompanying papers were referred to the Committee on Claims. The evidence offered does not sustain the claim of the claimant; and, from all the facts, we are of opinion that the claimant has no ground upon which to base a claim against the government. We, therefore, recommend that the claim be not allowed, and that the bill be indefinitely postponed.

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IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1880.—Ordered to be printed.

Mr. GROOME, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1249.]

The Committee on Pensions, to whom was referred the bill (S. 1249) to amend an act entitled "An act granting a pension to Sophia Brooke Taylor, widow of the late Major Francis Taylor," respectfully report, that the said Sophia Brooke Taylor is the daughter of an Ex-Chief Justice of the United States, and is in very reduced circumstances, and has a grown son, whose condition is such that he is wholly unfit to earn a livelihood, and is dependent on her for support.

For the reasons stated your committee regard the case of Mrs. Taylor as an exceptional one, and report back favorably the bill referred to them, with an amendment increasing the pension allowed to her from \$25 to \$50 per month, instead of allowing her the arrears provided for by the bill as referred to them.



IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1880.—Ordered to be printed.

Mr. FERRY, from the Committee on Naval Affairs, submitted the following

REPORT:

[To accompany bill S. 867.]

*The Committee on Naval Affairs, to whom was referred the bill (S. 867) for the relief of Joseph G. Ayres, a surgeon in the United States Navy, report:*

That petitioner prays compensation from Congress for the reason that he is not credited in his present rank in the regular Navy with his sea service in the volunteer Navy, he being debarred from such credit for the reason that an interval elapsed between his discharge from the volunteer Navy and his appointment in the regular Navy. It appears that he was undergoing examination for admission to the Medical Corps of the Navy at the date his discharge took effect. A brief statement of the dates pertaining to his naval record is as follows:

Joseph G. Ayres was appointed an acting assistant surgeon in the volunteer Navy, December 17, 1864.

May 24, 1866, he was informed by the Chief of the Bureau of Medicine and Surgery in relation to an examination by the medical board then in session for admission to Medical Corps of the Navy.

August 7, 1866, a permit to appear before said board was issued to him.

September 24, 1866, he appeared before the board for the required examination.

September 24, 1866, an honorable discharge from the volunteer service was issued to him.

September 28, 1866, he completed his examination as assistant surgeon for the regular Navy.

October 8, 1866, he was appointed an assistant surgeon in the regular Navy.

May 18, 1869, he completed three years' sea service as an assistant surgeon of the volunteer and regular service.

October 12, 1869, promoted to passed assistant surgeon, regular Navy.

The reply of the Secretary of the Navy to the request of the committee for information in this case is given herewith:

NAVY DEPARTMENT,  
Washington, April 14, 1880.

SIR: In reply to your communication of the 22d ultimo, inclosing a copy of Senate bill 867, "for the relief of Joseph G. Ayres, a surgeon in the United States Navy," and requesting information as to the naval record of Dr. Ayres; the amount of money that would be required to be appropriated if the said bill should become a law; whether similar cases exist, within the knowledge of the department, and in relation to the equity and propriety of granting the relief as proposed in the said bill, I have the honor to transmit a statement of the services of Dr. Ayres, showing the date of his original entry into the service as an acting assistant surgeon, his discharge therefrom, and his appointment in the regular service, with date of promotion to passed assistant surgeon; and to inclose a copy of a letter addressed to Dr. Ayres, from the Bureau of Medicine and Surgery, inquiring as to his desire to appear for examination for admission into the Medical Corps of the Navy, with a copy of his reply thereto; a

copy of department's letter to him, by which he was placed on leave for discharge; a copy of the permit issued to him to appear before the medical board for examination for assistant surgeon; and a copy of the honorable discharge issued to him, under date of September 24, 1866.

It appears from these papers that Dr. Ayres originally entered the service as an acting assistant surgeon in the volunteer Navy December 17, 1864, and served as such until being placed on leave for discharge; that he was honorably discharged from the said service, as an acting assistant surgeon, on the 24th of September, 1866; that he was examined and found qualified for admission into the regular Navy as an assistant surgeon, and was so appointed on the 8th of October, 1866.

The act of Congress under which Dr. Ayres claims (Revised Statutes, section 1412), provides that "officers who have been, or may be, transferred from the volunteer service to the regular Navy shall be credited with the sea service performed by them as volunteer officers, and shall receive all the benefits of such duty in the same manner as if they had been doing such service in the regular Navy."

The construction given by the department to this law was submitted to the honorable Attorney-General, and from his opinion thereon I make the following extracts:

"According to the construction now given by the department to this law an officer must have been in the volunteer Navy at the time of his appointment in the regular Navy to entitle him to credit for his volunteer service, and that if he had been mustered out, and was not an officer in the volunteer Navy, however brief the interval, before his appointment in the regular Navy, the credit is not allowed.

"I concur in this construction. When an officer is transferred from the volunteer naval service to the regular Navy, he is taken out or removed from one to the other; and in no sense can he be said to be an officer transferred, when he is a private citizen at the time of his appointment. I do not think it makes any difference whether a long or short time elapsed after the appointee asking for credit was mustered out of the volunteer service; for if he was mustered out at all he could not be transferred." (Opinions, vol. 14, p. 142.)

There are a large number of officers in the regular Navy, both of the line and of the staff corps, who served in the volunteer naval service, and various intervals elapsed between the dates of their discharge from the volunteer service and their appointment in the regular Navy, ranging from one day to a month or a year; and no matter how short the interval, they are debarred from the benefits of said law, which benefits were accorded only to such officers as were in the volunteer service at the time of their appointment or transfer to the regular Navy.

The department does not know of any case precisely similar to that of Dr. Ayres, who was under examination for the regular Navy at the time his honorable discharge was prepared at the department, having appeared before the medical board on the same day of its date, and which discharge he had not then received. He was found qualified four days after the date of said discharge, but was not appointed in the regular Navy until October 8, 1866.

In answer to your inquiry as to the amount of money which would be required to be appropriated if said bill should become a law, I have to inform you that the sum is stated by the Fourth Auditor to be \$703.94.

There appears to be some equity in the claim of Dr. Ayres, from the fact that he had received a permit to appear for the required examination for admission into the regular Navy, and appeared for such examination before being actually mustered out, and that his examination was in progress at the time he probably received his discharge.

Very respectfully,

R. W. THOMPSON,  
*Secretary of the Navy.*

Hon. T. W. FERRY,  
*Committee on Naval Affairs, United States Senate.*

The circumstances connected with this case undoubtedly make it one of hardship to Surgeon Ayres.

Had he conjectured that the law of March 2, 1867, would be enacted, he would doubtless have made special efforts to complete his examination before his discharge took effect, and very likely, as he recites in his petition, the department would have withheld his discharge until the result of his examination was known, had the law then been in existence.

The petitioner lays stress on the fact that his examination was actually in progress on the day his discharge was dated. It should be remembered, however, that an examination, even when resulting favorably, did not entitle the candidate to an immediate appointment. The lan-

guage used in the letter of the Secretary of the Navy of August 7, 1866, was, "if found qualified you will receive an appointment as an assistant surgeon when your services shall be required."

The section of the law which applies to this case, and to which reference is made, reads as follows:

Section 1412 Revised Statutes, page 249—

Officers who have been or may be transferred from the volunteer service to the regular Navy shall be credited with the sea-service performed by them as volunteer officers, and shall receive all the benefits of such duty in the same manner as if they had been during such service in the regular Navy.

Somewhat analogous sections in reference to privileges gained by length of service in the Army are found in section 1219 of the Revised Statutes, as follows:

SEC. 1219. In fixing relative rank between officers of the same grade and date of appointment and commissions, the time which each may have actually served as a commissioned officer of the United States, whether continuously or at different periods, shall be taken into account. And in computing such time, no distinction shall be made between service as a commissioned officer in the regular Army and service since the 19th of April, 1861, in the volunteer forces, whether under appointment or commission from the President or from the governor of a State.

And section 1262, as follows:

There shall be allowed and paid to each commissioned officer below the rank of brigadier-general, including chaplains and others having assimilated rank or pay, 10 per centum of their current pay for each term of five years' service.

In the case of longevity pay or rank in the regular Army, the statutes provide that it shall make no difference whether the service in the volunteer forces shall have been "continuously or at different periods."

Section 1412, herein quoted, uses the term "transferred," and your committee are of opinion that the full significance of the word must have been intended, as the provision in relation to Army service referred to as above was enacted on the same day.

Your committee also have the concurrence of the opinion of the Attorney-General, as given in the letter of the Secretary of the Navy herein, as to the legal effect and intendment of the law, and that it made no difference whether a long or a short time elapsed between an officer's discharge from the volunteer service and his appointment in the regular service.

They therefore conclude that all officers honorably discharged from the volunteer Navy and afterwards appointed in the regular Navy, without reference to the length of the intervening time they may have been in civil life, have an equal claim to relief with the case under consideration.

If the law as originally framed does injustice, all who were injured should have the benefit of remedial legislation, and, if such is the case, the relief should be granted by general and not special enactment.

Your committee report back the bill adversely.



## IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1880.—Ordered to be printed.

Mr. PRYOR, from the Committee on Claims, submitted the following

## REPORT:

*The Committee on Claims, to whom was referred the petition of John Pattee, asking for compensation as lieutenant-colonel of cavalry from May 17, 1866, to June 22, 1866, have considered the same, and report :*

That from the petition of the said Pattee and accompanying papers it appears that he, the said Pattee, was mustered into the military service of the United States as captain of A Company, Fourteenth Iowa Volunteer Infantry, on the 23d day of October, 1861; and on the 30th day of the same month marched to Fort Randall, Dakota, in command of companies A, B, and C of that regiment. That during the summer of 1862 the three companies aforesaid, constituting his then command, were transferred to the Forty-first Iowa Infantry, and that he, Pattee, was appointed and commissioned a major in said regiment on the 1st of September, 1862; that in April, 1863, the governor of the State of Iowa, under orders of the Secretary of War, by the consolidation of the said three companies, A, B, and C, with other troops, made up a regiment and designated it the Seventh Iowa Volunteer Cavalry, appointing him, the said Pattee, lieutenant-colonel therein, and on the 15th day of May, 1863, mustered the same regiment into the United States service, but that he, Pattee, for the want of a mustering-in officer at that post, was not mustered into service until some time in October, 1863, in fact, but that the officer recited in the Army books that he was mustered into the service to date from the 3d of June, 1863, when it should have been, as alleged by the petitioner, the 15th of May, 1863. The petitioner alleges that from the date of his commission, 15th of May, 1863, he was in command of from four to eight companies on the Indian frontier, and charged with important and responsible duties to July 20, 1863, when, by order of Major-General Pope, commanding Department of the Northwest, he, Pattee, was assigned to the command of the first military district; that he, Pattee, was paid up for his services as major to the 30th of June, 1863.

At this point of his service he now, but not then, insists upon and sets up a claim to the difference in pay between a major of infantry and a lieutenant-colonel of cavalry from the 15th of May to the 30th of June, or, according to the date of his mustering-in, from the 3d day of June to the 30th day of June—that is to say, 46 days in the first shape of the claim and 28 days in the latter.

Also that the first and second battalions of the Seventh Iowa Cavalry—in which the petitioner, before he was assigned to the first military district aforesaid, was in command as lieutenant-colonel—never served in said district one aforesaid, and that the said two battalions of the



said Seventh Iowa Cavalry were mustered out of service the 17th day of May, 1866; and that the third battalion with which he, Pattee, was on duty was mustered out of service at Sioux City, June 22, 1866; that at the time the first and second battalions aforesaid were mustered out of service he, Pattee, was five hundred miles distant, in command of Fort Sully, Dakota Territory, then garrisoned by troops of the Fourth United States Volunteers and of the Fiftieth Wisconsin Volunteer Infantry, and he, the said Pattee, was relieved of his said command at Fort Sully, 8th day of June, 1866, by Colonel Andrews. At this point, the said Pattee admits that he settled up with the government to the 17th May, 1866, at which time the first and second battalions of the Seventh Iowa Cavalry were mustered out of the service, but insists that he was on duty, notwithstanding his regiment was reduced below six companies, up to June 22, 1866, when the third battalion was mustered out, and claims that he is entitled to pay for the time between the 17th May, to the 22d June, 1866, as lieutenant-colonel, a period of thirty-six days. Petitioner also claims compensation for traveling from Sioux City, Iowa, the place of mustering out, to Iowa City, in Iowa, where he was mustered into service and his home, a distance of three hundred and sixty-five miles. These statements being taken as true, the committee are unable to discover any reason why the prayer of the petitioner should be granted. Case presented shows two payments to have been made from time to time; the first, as it is fair to presume, upon a settlement and balance struck, and the amount due the petitioner for services rendered the government ascertained and paid up to the 3d June, 1863, without any objection on the part of the petitioner, showing an intimation from any source, as far as the petition or evidence discloses, of dissatisfaction as to payment in full of all demands in any capacity in which the petitioner as an officer or otherwise had rendered service. The second settlement made was on the 17th day of May, 1866, which, according to the statements of the petitioner, was intended as final, and must have been so regarded by all parties concerned, and thus it remained until the said Pattee asserted a further claim in the shape of a petition to Congress, and presented the 9th day of February, 1880, being a repose of fourteen years, lacking about a month—entirely too ancient, without some special and prominent explanation, to justify an allowance, if for no other reason than the antiquity of the claim, based upon the equitable grounds and reasons for the non-allowance of stale demands. The petitioner alleges in his petition that, as a military officer in an Indian country and a long way from home and white settlements, he was charged with important and responsible duties. To this it may be replied that the life of a soldier is to be regarded as one of importance and responsibility, and that when one seeks and accepts as a volunteer a soldier's position he takes it *cum onere*. That while the committee have every desire to compensate the soldier patriot for all services rendered, they cannot do so, however, at the sacrifice of every rule of safety and protection to the government and tax-payers. The committee, therefore, report adversely to and recommend that the claim of the said Pattee be disallowed, and that his petition be indefinitely postponed, and the committee discharged from any further consideration of the same.

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IN THE SENATE OF THE UNITED STATES.

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APRIL 21, 1880.—Ordered to be printed.

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Mr. GROOME, from the Committee on Pensions, submitted the following

REPORT:

The Committee on Pensions, to whom was referred the memorial of Henrietta Wilson, widow of the late Henry Wilson (who served in the war of 1812, Black Hawk, Florida, and Mexican campaigns, and performed forty-eight years of continuous service), asking for an increase of pension, report that the only pension to which she is entitled under existing law is a pension of \$8 a month, under the act of March 9, 1878. As she is already receiving a pension at that monthly rate, they ask to be discharged from the further consideration of her memorial.

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IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1830.—Ordered to be printed.

Mr. TELLER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 1476.]

*The Committee on Claims, to whom was referred the bill (S. 1476) for the relief of the heirs of William Selden, deceased, late United States marshal for the District of Columbia, respectfully submit the following report:*

The act of Congress, approved 3d March, 1873, for the relief of William Selden, late United States marshal for the District of Columbia, authorizing the adjustment of his accounts, evidently was intended to embrace those accounts for his entire term of office. The facts and nature of the case, as shown by the report to which the act was sequent, preclude as irrational any other assumption.

Indeed, as conclusive of this, the act specified the sum, \$11,220, which the accounting officers of the Treasury certified would be due for said entire term; and they furnished the official statement of the transactions upon which the report was based; said statement enumerating the dates on which the marshal's several accounts were rendered.

It is very apparent that his first account, or any subsequent account, could not have been rendered until after the period had elapsed which the account covered.

His first account was received 30th July, 1858, and comprised the interval from the date of his oath of office and entrance upon his duties on 31st March, 1858, to 30th June, 1858, a period of three months.

The act as worded, however, recited "*from 30th July, 1858,*" the date when the first account was presented, instead of from 31st March, 1858, the date when it commenced—certainly an error; but an error which the Comptroller, construing the literal text of the act, did not feel authorized to correct, and he accordingly stated an account in favor of the beneficiary in the sum of \$10,096.82 instead of for \$11,220, the sum appropriated by the act, thereby excluding the whole time prior to 30th July, 1858, making a difference of \$1,123.28.

And with reference to this difference between the sum appropriated and the sum allowed by him, the Comptroller certifies, 18th February, 1879—

Said allowance was made for the time specified in the act, and did not include the period from the marshal's appointment to and including 29th July, 1858.

The object of the bill under consideration is therefore to rectify a manifest error. It appropriates no additional amount of money over the amount appropriated in the act of 1873.

To fully explain this case, we quote the House report heretofore referred to, and which was adopted by the Senate without amendment:

[S. Report No. 418, Forty-second Congress, third session.]

*The committee to whom was referred the petition of William Selden, late United States marshal of the District of Columbia, asking an additional allowance at the hands of Congress for his maintenance and support of public prisoners confined in the jail of said District, respectfully submit the following report:*

The petitioner's account, duly certified and allowed by the judge of the criminal court of the District of Columbia, was rendered at the rate of thirty-four cents per diem for the maintenance and support of each public prisoner confined in the District jail between the 30th day of July, 1858, and the 17th day of May, 1861, making an aggregate sum of \$29,342.56. Upon this account he was allowed and paid by the accounting-officers at the Treasury at the rate of twenty-one cents per diem, making an aggregate of \$18,122.46. The petitioner claims the difference between these amounts, which is the sum of \$11,220.10.

By act of Congress 24th September, 1789, section 27 (1 Stat., 87), a marshal was authorized in and for each judicial district of the United States. By act of Congress May 8, 1792, section 4 (1 *Id.*, 227), the marshal was authorized to include in his account his expenses "for the maintenance of prisoners confined in jail for any criminal offense;" and it was further provided that the account, "having been examined and certified by the court or one of the judges" thereof in which the service had been rendered, should be "passed in the usual manner, and the amount thereof paid out of the Treasury of the United States to the marshal."

With entire unanimity, the legislative, executive, and judicial departments of the government have united in the opinion that by the true construction of the last above-mentioned enactment "*the certificate of the judge, upon the examination of the marshal's accounts, was conclusive, and that the items therein were not to be examined in any manner by the officers of the Treasury Department.*"—(1 *Opin.*, 443; 5 *Id.*, 191; Sen. Doc., 1st sess. 29th Cong., 393; Rep. H. R. 2d sess. 30th Cong., 132; U. S. *vs.* Smith, 1 Woodson, 184.)

By act of Congress 27th February, 1801, sections 7 and 9 (2 Stat., 106), the marshal of the District of Columbia was placed, both in respect to his duties and compensation, on the same footing with the marshal of the United States for the judicial district of Maryland.

Your committee are aware that the operation of the fourth section of the act of Congress of May 8, 1792, was modified, to some extent, by the first section of the act of Congress of August 16, 1856 (11 Stat., 49); but that such modification had no application to the District of Columbia is incontestably demonstrated, in their opinion, as well by the peculiar phraseology of such first section and its evident contrast with the language employed in the eighth section of the act of 1856, as by the fidelity with which the legislature seem to have adhered to the scope of the first section of the act of Congress of 26th February, 1853 (10 Stat., 161), as amended by act of Congress of March 2, 1855 (*Id.*, 671), after their attention had been specially and directly called to the subject.

Your committee are constrained, therefore, to the conclusion that the account presented by the petitioner to the accounting-officers of the Treasury was not re-examinable by them upon its merits.

Your committee deem it proper to further report that the sum of thirty-four cents per diem for the maintenance and support of each public prisoner, as claimed by the petitioner, was in itself but a fair and reasonable compensation; that, without any known exception, his predecessors in office, from the year 1816, had at that rate been allowed and paid at the Treasury; and that, without any change in the law whatever, the immediate successor in office of Mr. Selden was allowed and paid for the same description of service, at the rate of *thirty-six* cents per diem—the case of the petitioner furnishing the solitary example, in a period of forty years, of a final settlement of the accounts of the marshal of the District of Columbia on the basis of any less allowance than thirty-four cents a day for the maintenance and support of a public prisoner confined in jail.

It may be added that, since 1861, the custody of public prisoners in the District of Columbia has ceased to belong to the marshal, and, under existing laws, can furnish no ground for future claim against the government.

Upon a full and careful examination of the subject, your committee are unanimously of the opinion that the claim of the petitioner is valid and obligatory upon the government, and that it should be fully discharged.

In these conclusions your committee concur, and recommend the passage of the bill (S. 1476) herewith reported.

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1880.—Ordered to be printed.

Mr. MCPHERSON, from the Committee on Naval Affairs, submitted the following

REPORT:

[To accompany bill H. R. 3534.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 3534) to authorize and equip an expedition to the Arctic Seas, report the same back, and ask the favorable consideration of the Senate thereon.

The committee having adopted the House report as expressive of its views, herewith submit the same to the Senate.

[H. Report No. 453, Forty-sixth Congress, second session.]

The Committee on Naval Affairs report back to the House the bill (H. R. 3534) "to authorize and equip an expedition to the Arctic Seas," with a recommendation that it do pass.

In submitting this recommendation, the committee refer to and accept the reasons set forth in a former report made by them, to wit, Report No. 89, second session Forty-sixth Congress.

[H. Report No. 89, Forty-sixth Congress, second session.]

Mr. WHITTHORNE, from the Committee on Naval Affairs, submitted the following report (to accompany bill H. R. 3534):

The Committee on Naval Affairs, to whom was referred House bill No. 1823, "to authorize and equip an expedition to the Arctic Seas," having had the same under consideration, have directed the same to be reported back to the House with a substitute therefor, and thereupon do recommend the adoption and passage of the substitute herewith submitted.

In making this report the committee respectfully state and report that the object of the bill, as is shown by its terms, is to authorize a temporary station to be selected within the Arctic Circle, for the purpose of making scientific discoveries, explorations, and observations, obtaining all possible facts and knowledge in relation to the magnetic currents of the earth, the influence of ice-floes therefrom upon the winds and seasons and upon the currents of the ocean, as well as other matters incidental thereto, developing and discovering at the same time other and new whale-fisheries, now so material in many respects to this country. It is, again, the object of this bill that this expedition, having such scientific observations in view, shall be regularly made for a series of years, under such restrictions of military discipline as will insure regularity and accuracy, and give the fullest possible return for the necessary expenditure; and, again, in view of the fact that either the governments directly, or scientific corps under their authority, of Germany, Holland, Norway, Sweden, Austria, Denmark, and Russia, have concurrently agreed to establish similar stations, with like object, during the year 1880, it is believed that the interests and policy of our people concur in demanding that the United States should co-operate in the grand efforts to be thus made in the solution of the mysteries and secrets of the North Polar Seas, upon which, in the opinion of scientists, depends so much that affects the health and wealth of the human race.

This subject has for many years, and especially during this century, engrossed a very large share of the attention of the scientific world. The enthusiasm of those

who have ventured so much, in a region where naught of individual profit could be an inducement, and the sole motive could only be "the good of mankind," is worthy of our highest regard and admiration.

Congress has at different times and in different ways given the sanction and encouragement of the Government of the United States to expeditions and explorations into this region, and always, as your committee believe, with the approbation of the people, and lately, with singular unanimity, to the expedition fitted out by a distinguished, wealthy, and liberal citizen of the United States, Mr. Bennett, whose vessel, the *Jeannette*, now under command of Commander De Long, of the United States Navy, sailing under the national flag by authority of Congress, is penetrating this ice-bound region by way of Behring's Strait; and no well-informed citizen but hopes with pride that success shall mark the venture, and that in its beneficent results to science and humanity the generous liberality of the owner of the *Jeannette* shall find his deserved reward.

Your committee, aware of the deep interest felt in these explorations, and particularly that which has been manifested in the plan known to the American public as the "Howgate plan," as is manifest in the petitions and memorials from scientific and commercial bodies of all parts of the country sent to this and preceding Congresses, and desiring that its friends should briefly explain its history, purposes, and expected results, sought, by addressing them the following queries, to elicit this information and so to present it to the House, and which they here now present.

On behalf of the committee, it was requested that it should be shown—

I. Chronologically a brief of the various expeditions to the Polar Seas, and under what auspices made.

II. A brief of the alleged scientific results of these expeditions, and references.

III. What are the expected and hoped for results from the proposed expedition, scientific and economic.

IV. The special reasons, &c., for the plan proposed by the bill H. R. No. 1823.

To which answer was made as follows:

#### I.—*Chronological.*

##### RUSSIA.

1820.—Two expeditions were sent out by the Russian Government in 1820, commanded by Admiral von Wrangell and Lieutenant Anjou, to explore the regions north of Siberia.

##### ENGLAND.

The following expeditions were sent out by the British Government in the years named:

1818.—Captains Ross and Parry, in 1818, to discover the northwest passage, and Captain Buchan and Lieutenant (afterward Sir John) Franklin, in the same year, with a thoroughly equipped expedition, to reach the Pole.

1819.—Captain Parry, in 1819, was sent to explore the regions north of Hudson's Bay.

1820.—Sir John Franklin sent out on a land expedition in 1820 to explore the north coast of America.

1821.—Captain Parry sent in 1821 to explore the regions north of and around Hudson's Bay.

1824.—Captain Parry was sent again in 1824. Captain Lyon sent out in 1824, via Hudson's Strait. Sir John Franklin made a second land expedition in 1824, via the Mackenzie River.

1825.—Captain Beechey was sent in 1825, via Cape Horn and Behring's Strait.

1827.—Captain Parry was sent in 1827 to reach the Pole, via Spitzbergen.

1833.—Lieutenant Back, in 1833, was sent in command of an overland expedition through the Hudson's Bay territory.

1836.—Captain Back was sent in 1836 to complete the survey of portions of the coast line north of Hudson's Bay.

1845.—Sir John Franklin was sent out in 1845 to search for the northwest passage.

1847.—In 1847 the British Government sent out three expeditions in search of Sir John Franklin.

1850.—In 1850 three other search expeditions were sent out by the British Government.

1852.—In 1852 Sir Edward Belcher was sent out in command of five vessels to search for Sir John Franklin. In 1852 Captain Inglefield was also sent out to search for Sir John Franklin.

1875.—In 1875 Captains Nares and Stephenson were sent out to reach the Pole, via Smith's Sound. This was one of the best equipped expeditions of modern times.

## GERMANY.

1869.—In 1869 the German Government sent out an expedition in command of Captain Koldewey and Hegemann, towards the North Pole.

## AUSTRIA.

1872.—Austria sent out an expedition in 1872 in command of Lieutenants Weyprecht and Payer, to reach the Pole via Nova Zembla.

## UNITED STATES.

1871.—The United States sent out Captain Hall, in the *Polaris*, via Smith's Sound, in 1871.

These comprise the principal governmental Arctic expeditions during the present century.

During the same period a large number of private expeditions have been fitted out in this and most of the northern countries of Europe.

The expeditions of De Haven, Kane, Hayes, and Hall, from the United States, and those of Professor Nordenskjöld, from Sweden, received some slight aid from their governments, but their cost has been borne principally by private citizens.

For detailed accounts, see the published narratives of the several expeditions. For brief account of work done before 1857, see a small work by Epes Sargent, called "Arctic Adventures."

See, also, for this, the preliminary chapters of the "Narrative of the Second Arctic Expedition made by C. F. Hall, 1864-'69," prepared by Professor Nourse, United States Navy, under orders of the Secretary of the Navy.

II.—*Some geographical and scientific results of past Arctic voyages.*

1. The discovery and survey of the vast territory lying north of the American continent between the sixtieth and eighty-third degrees of north latitude, and longitude 50° to 170° west of Greenwich.

2. The discovery of Francis Joseph Land and Wrangell's Land, north of Europe and Asia, and the survey of the northern coast lines of these continents.

3. The discovery of the magnetic pole, which has proved so valuable to commerce and navigation.

4. The discovery of new whaling grounds, notably by Captain Hall, in Cumberland Gulf and adjacent waters, by which millions of dollars were added to the commerce of the United States.

5. New species of birds, of animals, and of fishes have been discovered, some of them of commercial as well as scientific value.

6. New minerals of value have been found, some of which do not exist elsewhere.

7. Interesting studies in ethnography and kindred sciences have been made.

8. Our knowledge of magnetism, electricity, meteorology, and of ocean currents has been greatly increased by observations made within the Arctic regions.

See, also, the narrative of Professor Nourse, before referred to.

III.—*The expected and hoped-for results, scientific, philosophic, and economic.*

The following brief quotations from Professor Henry, the late distinguished head of the Smithsonian Institution and president of the National Academy of Sciences; from Professor Loomis, the distinguished meteorologist of Yale College; from the late Professor Maury, formerly at the head of the Naval Observatory of the United States; from Admiral Sherard Osborne, of the British navy, and from Sir John Barrow, formerly secretary of the British board of admiralty, set forth the advantages to be derived from Polar exploration in plain terms.

[Letter of President Joseph Henry, LL. D.]

SMITHSONIAN INSTITUTION,  
Washington, January 31, 1871.

SIR: Your letter of the 30th instant, asking my opinion as to the plan of Captain Howgate for explorations in the Arctic regions, and its utility in regard to scientific and commercial results, has been received, and I have the honor to give you the following reply:

From my connection with the Smithsonian Institution and the National Academy of Sciences, I am, of course, interested in every proposition which has for its object the extension of scientific knowledge, and, therefore, I am predisposed to advocate any rational plan for exploration and continued observations within the Arctic Circle.



Much labor has been expended on this subject, especially with a view to reach the Pole; yet many problems connected with physical geography and science in general remain unsolved.

1. With regard to a better determination of the figure of the earth, pendulum experiments are required in the region in question.

2. The magnetism of the earth requires for its better elucidation a larger number and more continued observations than have yet been made.

3. To complete our knowledge of the tides of the ocean, a series of observations should be made for at least an entire year.

4. For completing our knowledge of the winds of the globe, the results of a larger series of observations than those we now possess are necessary, and also additional observations on temperature.

5. The whole field of natural history could be enriched by collections in the line of botany, mineralogy, geology, &c., and facts of interest obtained with regard to the influence of extreme cold on animal and vegetable life.

All of the above-mentioned branches of science are indirectly connected with the well-being of man, and tend not only to enlarge his sphere of mental pleasures, but to promote the application of science to the arts of life.

As to the special plan of Captain Howgate, that of establishing a colony of explorers and observers, to be continued for several years, I think favorably.

The observations which have previously been made in the Arctic regions have usually been of a fragmentary character, and not sufficient in any one case to establish the changes of the observed phenomena during an entire year, whereas to obtain even an approximation to the general law of changes a number of years are required.

It may be proper to state, in behalf of the National Academy of Sciences, that should Congress make the necessary appropriation for this enterprise, the Academy will cheerfully give a series of directions as to the details of the investigations to be made, and the best methods to be employed.

I have the honor to be, very respectfully, your obedient servant,

JOSEPH HENRY,

*Secretary Smithsonian Institution, President National Academy of Sciences.*

(From Professor Loomis, of Yale College.)

There is scarcely a problem relating to the physics of the globe which can be fully understood without a knowledge of the phenomena within the Polar regions. Whatever phenomena we may wish to investigate, it is of special importance to determine its maximum and minimum values, and in nearly all questions of terrestrial physics one or other of these values is found in the neighborhood of the Pole. If, for example, we wish to determine the distribution of temperature upon the surface of the globe, it is specially important to determine the extremes of temperature, one of which is to be found near the Equator and the other near the Poles. If we wish to investigate the system of circulation of the winds, our investigation would be sadly deficient without a knowledge of the phenomena in the Polar regions.

If we wish to study the fluctuations in the pressure of the atmosphere, whether periodical or accidental, we cannot be sure that we understand the phenomena in the middle latitudes unless we know what takes place in the Polar regions. If we wish to investigate the currents of the ocean, we find indications of currents coming from the Polar regions, and it is important to be able to trace these currents to their source. If we wish to investigate the laws of the tides, we need observations from every ocean; and observations in the Arctic regions have a special value on account of their distance from the place where the daily tidal wave takes its origin. If we wish to study the phenomena of atmospheric electricity and of auroral exhibitions, no part of the world is more important than the Polar regions. If we wish to study the phenomena of terrestrial magnetism, observations in the Polar regions have a special value, since it is here the dipping needle assumes a vertical position and the intensity of the earth's magnetism is the greatest. If we wish to determine the dimensions and figures of the earth, we require to know the length of a degree of latitude where it is greatest and also where it is least. If we wish to determine how the force of gravity varies in different parts of the world, we require observations of the second's pendulum both where it is greatest and where it is least. In short, there is no problem connected with the physics of the globe which does not demand observations from the Polar regions, and generally the Poles and the Equator are more important as stations of observation than any other portions of the earth's surface. If the information which has been acquired upon the various subjects in the numerous Polar expeditions of the last half century were annihilated, it would leave an immense chasm which would greatly impair the value of the researches which have been made in other parts of the world.

The subjects to which I have here referred are scientific rather than commercial; but many of them have an important bearing upon questions which affect the commerce of the globe. In the attempts which are now being made by the joint efforts of

the principal nations of the globe to determine the laws of storms, if we could have daily observations from a group of stations within the Arctic Circle, it is believed that they would prove of the highest value in enabling us to explain the phenomena of the middle latitudes. Every winter upon the eastern side of the Rocky Mountains we find an intensely cold wave moving down from the northward and spreading over a large portion of the United States. How can we fully understand the cause of the great changes of temperature which so frequently occur during the winter months, unless we know where this cold air comes from? And how can this be determined without fixed stations of observation extending northward over the Polar regions?

The vast extension of the commerce of the world in recent times and its increased security are due in no small degree to more accurate information respecting the physics of the globe, including such subjects as the mean direction and force of the prevailing winds; the laws of storms; the use of the barometer in giving warning of approaching violent winds; the surest mode of escaping the violence of a storm when overtaken by a gale; the most advantageous route from one part to another; the direction and velocity of the current in every ocean; the variation of the magnetic needle in all latitudes, and its changes from year to year; together with many other problems; and most of these investigations have been greatly facilitated by observations which have been made within the Arctic regions. I do not regard it as any exaggeration to claim that the benefits which have resulted both directly and indirectly to the commerce of the world in consequence of Polar expeditions are more than equal to all the money which has been expended on these enterprises.

[From Prof. M. F. Maury.]

Within this Polar area the tides have their cradle, and whales their nursery. There the winds complete their circuit, and the currents of the sea their round, in the wonderful system of oceanic circulation; there the aurora is lighted up and the trembling needle brought to rest; and there, too, in the mazes of that mystic circle, terrestrial forces of occult power, and of vast influence upon the well-being of man, are continually at work. It is a circle of mysteries, and the desire to enter, to explore the untrodden wastes and secret chambers, and to study its physical aspects, has grown to a longing.

[From Admiral Osborne.]

Of the advantages to be derived from an exploration of the Polar area: In the first place there is an unknown area of 1,131,000 square miles of the globe's surface a sheer blank. Within that area we are profoundly ignorant whether there be lands or waters; whether, as some say, it is a silent frozen solitude, or an open sea teeming with animal life. So far as it has yet been explored in that direction the land has been found capable of supporting not only animal but human life.

To botanists, therefore, as well as geographers, there is everything to be discovered within the Polar area, and not only the botany of the land, but that of the sea and of the fresh-water lakes and rivers flowing from the glaciers of that ice-bound region.

[From Sir John Barrow.]

But it may be asked *cui bono* are these northern voyages undertaken? If they were merely to be prosecuted for the sake of making a passage from England to China, and for no other purpose, their utility might fairly be questioned. But when the acquisition of knowledge is the ground-work of all the instruction under which they are sent forth; when the commanding officer is directed to cause constant observations to be made for the advancement for every branch of science—astronomy, navigation, hydrography, meteorology, including electricity and magnetism, and to make collections of subjects of natural history; in short, to lose no opportunity of acquiring new and important information and discovery; and when it is considered that these voyages give employment to officers and men in time of peace, and produce officers and men not to be surpassed, perhaps not equaled, in any other branch of the service, the question *cui bono* is readily answered in the words of the minister of Queen Elizabeth, "Knowledge is power."

Professor Newton, of Cambridge, has drawn attention to some interesting questions relating to the migrations of birds toward the unknown area. He says, "The shores

of the British Islands, and of many other countries in the northern hemisphere, are annually, for a longer or shorter period, frequented by a countless multitude of birds, which there is every reason to believe resort in summer to very high northern latitudes for purposes the most important, and, since they continue the practice year after year, they must find the migration conducive to their advantage. There must be some water that is not always frozen; secondly, there must be some land on which they may set their feet; and thirdly, there must be plenty of food, supplied either by the water or by land, or by both, for their nourishment and that of their progeny.

"People who have been in Iceland and Greenland have noted the appearance of these birds in those countries, but in neither of them do they stay longer than with us; and as we know that it takes no other direction, it must move farther north. We may, therefore, fairly infer that the lands visited by these birds in the middle of summer are less sterile than Iceland and Greenland, or they would hardly pass over those countries. The inference necessarily is, that beyond the tracts already explored there is a region which enjoys in summer a climate more genial than they possess."

If the solution of the greatest geographical problem that remains to be solved, and the attainment of numerous important scientific results, are not considered worth the expenditure of the trifling sum required, an expenditure which will be richly and abundantly repaid, the character of the English-speaking people must have strangely altered with the present generation.

No such extent of unknown area as that which surrounds the North Pole ever failed to yield results of practical as well as of purely scientific value; and it may be safely urged that, as the area certainly exists, its examination cannot fail to add largely to the sum of human knowledge.

Professor Maury, the distinguished scientist, says, "Within this Polar area the *whales* have their nursery." Professor Agassiz, another distinguished scientist, of whom New England is justly proud, writing to the President of the American Geographical Society in favor of a Polar expedition then before the public, says, "I consider it as highly important, not only in a scientific point of view, but particularly so for the interests of the whale fisheries. The discovery of a passage into the open water around the Pole which would render whale fishing possible would be one of the most important results for the improvement of whale fishing."

"The Navy," said Admiral Sherard Osborne, in 1865, "needs some action to wake it up from the sloth of routine, and save it from the canker of prolonged peace. It cries not for mere war to gratify its desire for honorable employment or fame. There are other achievements as glorious as a victorious battle; and a wise ruler and a wise people will be careful to satisfy a craving which is the life-blood of a profession."

The following figures, taken from Mr. Starbuck's exhaustive history of the whale fisheries of the United States, show the startling decadence of this important branch of national industry and the necessity of prompt action to prevent its total extinction:

In 1846 there belonged to the various ports of the United States 678 ships and barks, 35 brigs, and 22 schooners, with an aggregate capacity of 233,189 tons.

On the 1st of January, 1877, the entire fleet was reduced to 112 ships and barks, and 51 brigs and schooners, having a total capacity of 37,828 tons.

The value of bone and oil brought into the United States in 1854 amounted to \$10,802,594.20, and in 1876 to only \$2,639,463.31.

#### IV.

The plan of Arctic explorations and scientific research provided for in the bill H. R. 1823 is one to establish a station of hardy, resolute and intelligent men at some favorable point on or near the borders of the Polar Sea, and providing it with all modern appliances for overcoming the physical obstacles in the pathway to the Pole, and for resisting the effects of hunger, of cold, and of sickness, to deprive it of the means of retreat, except at stated periods of time. The location selected as the site of the proposed colony is on the shore of Lady Franklin Bay, near the seam of coal found by the Discovery of the English expedition in 1875.

The results of the last English expedition and modern improvements in means of locomotion and communication render it possible to locate farther north than in the earlier days of Arctic exploration, when sailing-vessels were used.

The expedition of Captain Hall in the *Polaris*, in 1871, and of Captain Nares in the *Alert* and *Discovery*, in 1875, have shown that, by the use of steam, it is a comparatively easy matter to reach the entrance to Robeson's Channel, in latitude 81° north, and that the serious difficulties to be overcome lie beyond that point. Parties from these two expeditions have made fair surveys 140 miles north of this point, leaving about 400 miles of unexplored regions between it and the goal of modern geographers—the Pole.

When Captain Hall reached the upper extremity of Robeson's Channel, the lookout of the *Polaris* reported open water in sight and just beyond the pack which surrounded the vessel and impeded further progress. This open water was afterwards seen from the cape at the northern opening of Newman's Bay, and it was the opinion of the crew of that ill-fated vessel that if she had been but the fraction of an hour earlier in reaching the channel, they could have steamed unobstructed to the Pole itself, or to the shores of such lands, if any exist, as may bound the so-called open Polar Sea. We know that they did not succeed, but were forced to winter almost within sight of this sea, and subsequently, disheartened by the loss of their gallant commander, abandoned the enterprise.

Where this open water was found, Captain Nares, in 1875 and 1876, found solid, impenetrable ice, through which no vessel could force its way, and over which it was equally impossible for sled parties to work.

These facts appear to show that within the Arctic Circle the seasons vary as markedly as in more temperate southern latitudes, and that the icy barriers to the Pole are sometimes broken up by favoring winds and temperature. To get farther north, or to reach the Pole, prompt advantage must be taken of such favoring circumstances, and to do this with the greatest certainty, and with the least expenditure of time, money, and human life, it is essential that the exploring party be on the ground at the very time the ice gives way and opens the gateway to the long sought prize, fully prepared to improve every opportunity that offers.

The permanent station should be furnished with provisions and other necessary supplies for three years, and should consist of at least fifty selected men, mustered into the service of the United States, three commissioned officers, and two surgeons, all to be selected with a view to their especial fitness for the work—young, able-bodied, resolute men, who can be depended upon to carry out instructions to the extreme limit of human endurance. An astronomer and two or more naturalists, to be selected by the National Academy of Sciences, and to work under instructions from that body, but subject to such general supervision and directions from the head of the expedition as is customary at all points in charge of an officer of the United States, should accompany the expedition. One or more members of the regular force should be competent to make meteorological observations, and to communicate by telegraph and signals whenever such communications become necessary. An annual visit should be made to the station to carry fresh food and supplies; to keep the members informed of events occurring in the outside world, and bear them news and letters from anxious relatives; to bring back news of progress made and of a private character to friends; also, if necessary, to bring back invalided members of the expedition, and carry out fresh observers to take their places. In this way the *morale* of the station would be maintained, and the physique of its members kept constantly at the maximum, and the knowledge that this annual visit would be made, would do much to alleviate the discomforts of the long Arctic night, and the feeling of isolation so graphically described by Arctic explorers.

Captain Hall spent eight years among the Esquimaux, and each year found himself better fitted to withstand the severity of the Arctic Circle, and the station would, it is believed, in like manner become acclimated, and eventually succeed in accomplishing the long-sought end.

With a few strong, substantial buildings, such as can be easily carried on shipboard, the members of the station could be made as comfortable and as safe from atmospheric dangers as are the men of the Signal Service stationed on the summits of Pike's Peak and Mount Washington, or the employes of the Hudson's Bay Company, stationed at Fort York, or elsewhere, where a temperature of  $-60^{\circ}$  is not uncommon.

A good supply of medicines, a skillful surgeon, and such fresh provisions as could be found by hunting-parties would enable them to keep off scurvy, and maintain as good a sanitary condition as the inhabitants of Godhaven, in Greenland. Game was found in fair quantities by the *Polaris* party on the Greenland coast, and by those from the *Alert* and *Discovery* on the mainland to the west, especially in the vicinity of the last-named vessel, where fifty-four musk-oxen were killed during the season, with quantities of other and smaller game. The coal found by the *Discovery's* party would render the question of fuel a light one, and thus remove one of the greatest difficulties hitherto encountered by Arctic voyagers.

There seems to be little doubt that Lady Franklin Bay can be annually reached by a steam-vessel, as Captain Hall went as high as Cape Union, between latitude  $82^{\circ}$  and  $83^{\circ}$ , with the *Polaris*, and Captain Nares still higher with the *Alert*. It is possible that the last-named point may be reached with the vessel, in which case coal and provisions could be deposited there to form a secondary base of operations for the exploring party. If this latter can be done, the road to the Pole will be shortened by about ninety miles in distance, and three weeks or more in time—two very important items. It should be clearly understood that the only use to be made of the vessel which it is hoped to obtain from the government is in the transportation of the men and supplies to the location of the station. When this is done the vessel will return

to the United States and await further instructions. To the expeditionary corps brought from the United States should be added a number of Esquimaux families to serve as hunters, guides, &c., and also an ample number of Esquimaux dogs, so indispensable for sledging, and so useful as food when their capacity for work is gone.

The station should be kept under the strictest discipline, and to this end should be formally enrolled in the military service, save perhaps the strictly scientific members. By discipline only can such control be exercised as will be indispensable to the successful prosecution of the work. One cannot read without pain the account of the *Polaris* expedition, where the bonds of discipline, only too loose before Hall's untimely death, were entirely relaxed after it. The first in command of the new expedition should be a man able not only to gauge men, but to control them, and his second should be like unto him. Enthusiasm and energy are desirable, but coolness of temper, firmness of rule, persistency of purpose, and a well-balanced mind, fertile in resources and expedients, are indispensable to success.

The outfit of the expedition should include, among other things, an ample supply of copper telegraph wire to connect the station at Lady Franklin's Bay with the subsidiary depot at Cape Union, and thence northward, as far as practicable. Copper wire is strong, light, flexible, and a good conductor, and can be worked while lying upon the dry snow or ice without support. The necessary battery material and instruments should be taken to equip the line, and the battery left permanently at the bay station, where, fuel being abundant, it could be kept from freezing. A special form of instrument has been devised for the expedition, by which the use of battery is dispensed with entirely, and it is possible that the recently discovered telephone may be applied to advantage. It should certainly form a part of the outfit. Much attention has been given to the possible use of balloons as a means of observation, and, perhaps, of exploration. Here, as elsewhere, the coal mine plays an important part, as by its aid the necessary supply of gas can be readily and quickly procured.

A few sets of signal equipments, such as are used in the Army Signal Service, would also form an important part of the outfit, and all of the men should be instructed in their use and in the signal code. Thus provided with means of communication, parties could move forward with confidence, as they would be able, when necessary, to call upon their comrades, who remained behind, for advice or assistance. The existence of coal at the *Discovery's* winter quarters determines the location of the station as a means of Polar exploration; and the *Nares* expedition would have been a success if it had done nothing more than this. The failure of his admirably equipped expedition to reach the Pole is, in a great measure, attributable to the abnormally cold season and the exceptional character of the winds, which had resulted in the formation of ice ridges running across the line of march, thus making progress difficult, slow, and dangerous. It is reasonable to suppose, from past meteorological records, that these unusual conditions will not exist during the present season, and, indeed, may not occur again for several years. Instead of discouraging further effort, the result of *Nares'* expedition, from the causes named, should stimulate fresh endeavors and hold out a fair prospect of success. In any event, the little station on Lady Franklin Bay during their three years' residence, besides having the opportunity of selecting an open season and becoming thoroughly hardened and acclimated, would have their work narrowed down to a common focus—the pathway due north.

The plan proposes to take only such persons already in the public service for whose pay and subsistence the government now provides; the vessel is no charge, and only such small sum as may be necessary to prepare it for this special service is sought from the government.

While your committee believe that the interests of geographical and scientific discovery as set forth by Professors Henry, Loomis, and others, in connection with the proposed Arctic station, are of themselves of sufficient magnitude to warrant favorable legislation, they do not exclude the additional practical consideration of the political and commercial results that are probable to flow from the discovery of new fields for the whale-fisheries. That large section of country from which springs the American sailor, whose education and wealth is largely derived from these fields, is entitled, as a matter of justice, to have their interest cared for in this direction. This home of sailors becomes, not only an element of commercial wealth, but a resource of national defense, which should not be lost sight of by the American statesmen. It is for these considerations your committee have been induced to report favorably upon the plan proposed in H. R. No. 1223.

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[Substitute for H. R. No. 183.]

A BILL to authorize and equip an expedition to the Arctic Seas.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is,*

authorized to establish a temporary station at some point north of the eighty-first degree of north latitude, on or near the shore of Lady Franklin Bay, for purposes of scientific observation and exploration, and to develop or discover new whaling-grounds; to detail such officers or other persons of the public service to take part in the same as may be necessary, and who are willing to enlist for such purpose, not exceeding fifty in number, and to use any public vessel or vessels that may be suitable for the purpose of transporting the members of said station and their necessary supplies, and for such other duty in connection with said station as may be required from time to time: *Provided*, That the President of the United States is authorized to accept from H. W. Howgate, and fit out for the purposes of this expedition, the steamship Gulnare, which vessel shall be returned to its owner when the objects of the expedition shall have been accomplished, or when, in the opinion of the President, its services are no longer required: *Provided further*, That the United States shall not be liable to any claim for compensation in case of loss, damage, or deterioration of said vessel from any cause, or in any manner whatever, nor be liable to any demand for the use or risk of said vessel.

S. Rep. 512—2



IN THE SENATE OF THE UNITED STATES.

APRIL 22, 1880.—Ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, submitted the following

R E P O R T :

[To accompany bill S. 1478.]

*The Committee on Claims, to whom was referred the bill (S. 1478) entitled "A bill for the relief of Lizzie D. Clarke, administratrix of the estate of Thomas L. Clarke, deceased," have considered said bill, and report thereon as follows :*

The said Thomas L. Clarke died after the said claim accrued, and his widow, said Lizzie D. Clarke, was duly appointed administratrix of his estate. She duly qualified as such administratrix, and entered upon the discharge of her duties as such administratrix.

This is a claim against the United States for the value of a steamer lost in the government service in September, 1865, and for her use for eight days before the loss occurred, at \$150 per day.

Said Thomas L. Clarke brought an action in the Court of Claims to recover the said demand. The Court of Claims found the following facts :

1. In September, 1865, at Brownsville, Texas, the claimant and Maj. O. O. Potter, an officer in the Quartermaster's Department, entered into an oral agreement, with the approval of General Steele, commanding the western division of Texas. The agreement was that the Quartermaster's Department should pay the claimant \$150 a day for the use of the steamer Belle; but no specific contract was made, or to be made, as to time, until she had made a trial trip from Brownsville to Ringgold Barracks and return, to prove her ability to perform the service for which the Quartermaster's Department needed a steamer, and if she made a satisfactory trial trip the parties were then to enter into a formal written contract for her future use at the same price per day. It was also at the same time agreed, orally, that the Quartermaster's Department was to run the steamer on her trial trip at the expense of the government, and if she were lost on her trial trip the government should pay for her whatever three disinterested men should estimate her value to be.

2. Under this agreement the claimant delivered the steamer to the Quartermaster's Department, at Brownsville. The quartermaster then put his own captain and crew on the vessel, and sent her to Ringgold Barracks. On her voyage, while thus in the service of the government, she was wrecked, and proved a total loss. Three disinterested persons were then agreed upon and requested by Major Potter and the claimant to appraise the value of the vessel. They so acted and, by a written



award, found the vessel to be of the value of \$60,000. The claimant has also proved by evidence other than the award that \$60,000 was the reasonable value of the vessel. The steamer was in the service of the government before her loss eight days. The United States has not paid for the value of the vessel nor for her service.

3. The steamer *Belle* was previously owned by, and in the military possession of, the Confederate Government. The claimant acquired his title to her about the year 1863, taking her in part payment of a claim he held for supplies furnished by him to the Confederate quartermaster's department. At the time she was chartered by Major Potter, as set forth in the first finding, she was in the claimant's possession as alleged owner, and she was also in Mexican waters, beyond the jurisdiction of the United States.

Upon these facts the claim was dismissed; and the claimant, by an appeal, took the case to the Supreme Court of the United States.

The case is reported in 95 U. S. R., page 539. The opinion is by Mr. Justice Bradley, and is as follows:

The first objection made to the claim is that the contract was not in writing, as required by the act of June 2, 1862, entitled "An act to prevent and punish fraud on the part of officers intrusted with the making of contracts for the government." (12 Stat., 411.) This act provides:

"Sec. 1. That it shall be the duty of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Interior, immediately after the passage of this act, to cause and require every contract made by them, severally, on behalf of the government, or by their officers under them appointed to make such contracts, to be reduced to writing, and signed by the contracting parties with their names at the end thereof, a copy of which shall be filed by the officer making and signing the said contract in the 'returns office' of the Department of the Interior (hereinafter established for that purpose), as soon after the contract is made as possible, and within thirty days, together with all bids, offers, and proposals to him made by persons to obtain the same, as also a copy of any advertisement he may have published inviting bids, offers, or proposals for the same; all the said copies and papers in relation to each contract to be attached together by a ribbon and seal, and numbered in regular order numerically, according to the number of papers composing the whole return."

The act further provides that the officer shall affix an affidavit to his return, and makes it a misdemeanor to neglect making his return, and directs the heads of departments to furnish printed instructions and forms of contracts, &c.

It is contended on the part of the government that this act is mandatory and binding, both on the officers making contracts and on the parties contracting with them; whilst the claimant insists that it is merely directory to the officers of the government, and cannot affect the validity of contracts actually made though not in writing. The Court of Claims has heretofore held the act to be mandatory, and as requiring all contracts made with the departments named to be in conformity with it. The arguments by which this view has been enforced by that court are of great weight, and, in our judgment, conclusive. The facility with which the government may be pillaged by the presentment of claims of the most extraordinary character, if allowed to be sustained by parol evidence, which can always be produced to any required extent, renders it highly desirable that all contracts which are made the basis of demands against the government should be in writing. Perhaps the primary object of the statute was to impose a restraint upon the officers themselves, and prevent them from making reckless engagements for the government; but the considerations referred to make it manifest that there is no class of cases in which a statute for preventing frauds and perjuries is more needed than in this. And we think that the statute in question was intended to operate as such. It makes it unlawful for contracting officers to make contracts in any other way than by writing signed by the parties. This is equivalent to prohibiting any other mode of making contracts. Every man is supposed to know the law. A party who makes a contract with an officer without having it reduced to writing, is knowingly accessory to a violation of duty on his part. Such a party aids in the violation of the law. We are of opinion, therefore, that the contract itself is affected, and must conform to the requirements of the statute until it passes from the observation and control of the party who enters into it. After that, if the officer fails to follow the further directions of the act with regard to affixing his affidavit and returning a copy of the contract to the proper office, the party is not responsible for this neglect.

We do not mean to say that where a parol contract has been wholly or partially executed and performed on one side, the party performing will not be entitled to recover the fair value of his property or services. On the contrary, we think that he will be entitled to recover such value as upon an implied contract for a *quantum meruit*. In the present case, the implied contract is such as arises upon a simple bailment for hire; and the obligations of the parties are those which are incidental to such a bailment. The special contract being void, the claimant is thrown back upon the rights which result from the implied contract. This will cast the loss of the vessel upon him. A bailee for hire is only responsible for ordinary diligence and liable for ordinary negligence, in the care of the property bailed. This is not only the common law, but the general law on the subject. (See Jones on Bailments, p. 88; Story on Bailments, secs. 398, 399; Domat, Lois Civiles, lib. i., tit. iv, sec 3, par. 3, 4; Bell's Com., vol. i., pp 481, 483, 7th ed.)

As negligence is not attributed to the employés of the government in this case, the loss of the vessel, as before stated, must fall on the owner.

Of course the claimant is entitled to the value of the use of his vessel during the time it was in the hands of the government agents, which, as shown by the findings, was the period of eight days. This value, in the absence of any other evidence on the subject, may be fairly assumed at what was stipulated for in the parol contract. Though not binding or conclusive, it may be regarded as admissible evidence for that purpose. Neither party thought fit to adduce any other. The cases bearing on this subject are collected in Brown's Treatise on the Statute of Frauds, sections 117 to 130; but they mostly refer to the question whether the contract, though void by the statute of frauds, can be regarded as conclusive evidence of the *quantum meruit*. Whether or not it is admissible as some evidence, though not conclusive on either party, is apparently not much discussed; though it seems to us that it may fairly be deduced from the tenor of the cases, that the evidence is admissible. At all events, that is our view. As a declaration of the parties it is entitled to some credence.

The stipulation in this case, as appears by the findings, was for \$150 per day. This would make the amount of the claim \$1,200. For this amount the claimant is entitled to a decree.

If objected that the petition contains no count upon an implied contract for *quantum meruit*, it may be answered that the forms of pleading in the Court of Claims are not of so strict a character as to preclude the claimant from recovering what is justly due to him upon the facts stated in his petition, although due in a different aspect from that in which his demand is conceived.

The other objection relied on by the government in this case is that the claimant had no valid title to the steamer as against the United States, having obtained her from the Confederate Government, in 1863, in payment for supplies furnished to the quartermaster's department of that government. This objection cannot be sustained. When the contract was made with the claimant the vessel was in Mexican waters, and not subject to the jurisdiction of the United States. The claimant was applied to for its use. It was agreed that he should be compensated. No question was made about his title, and it is not suggested that he was guilty of any concealment or suppression of the truth in regard to it. Under these circumstances it would be bad faith on the part of the government, after getting possession of the steamer and getting it within its jurisdiction under pretence of hiring it of the claimant, to set up that he had no title to it. This is so obviously in accordance with the justice of the case that we deem it unnecessary to make any further observations on the subject.

The decree of the Court of Claims must be reversed, and the cause remanded, with directions to enter a decree in accordance with this opinion.

Your committee agree with the reasoning of the Supreme Court as to the true construction of the statute in question.

The committee cannot recommend the passage of the bill without, in effect, overruling the Court of Claims and the Supreme Court. The conclusion reached by the Supreme Court is, in the opinion of the committee, correct.

The committee therefore recommend that the claim be not allowed, and that the bill be indefinitely postponed.



IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1880.—Ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1662.]

The Committee on Pensions, having considered the petition (and papers accompanying) of Levi Anderson, late private Company A, Seventh Kansas Volunteers, asking an increase of pension, find that said soldier was wounded on the 11th day of November, 1861, receiving a very bad fracture of the thigh bone, for which he was treated in hospital for more than two years, and then discharged for disability resulting from the injury. The medical evidence shows that the limb is shortened about seven inches, knee and ankle joints ankylosed, and is entirely useless. He was pensioned from the date of discharge at \$8 per month, which was subsequently increased to \$15 per month, commencing August 14, 1871, and to \$18 per month from August 20, 1872. He asks that his pension be increased to \$37.50 per month, the rate allowed for loss of limb at the hip-joint. This claim for increase has been rejected on the ground that the soldier is now in receipt of the full amount authorized by existing law.

The committee cannot challenge the correctness of this ruling; yet from the excessive disability existing, they believe the applicant justly entitled to an increase, and they recommend the passage of the accompanying bill.

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IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1880.—Ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, submitted the following

R E P O R T:

[To accompany bill S. 851]

The Committee on Pensions having examined the bill (S. 851) granting a pension to Martha A. Lachman, together with the accompanying petition, find that the claimant applies for pension on account of the services of her late husband, Herman Lachman, as a detective in the employment of the government during the late war.

According to the statement of the petitioner, her husband served without pay, and with the hope of securing official position, which was promised him by some of the general officers. It is further stated that he received a wound of the head at the battle of South Mountain, which ultimately produced insanity and death. As the husband was never in the military or naval service of the government, and consequently did not belong to a pensionable class, and as no papers are filed to support the claim of his widow, the committee feel compelled to recommend the indefinite postponement of the bill.

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IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1880.—Ordered to be printed.

Mr. KIRKWOOD, from the Committee on Pensions, submitted the following

REPORT :

[To accompany bill S. 1006.]

*The Committee on Pensions, to whom was referred the bill (S. 1006) for the relief of Andrew T. McReynolds, have considered the same, and report as follows :*

Andrew T. McReynolds was a captain in the Third Regiment of Dragoons in United States service during the war with Mexico; was wounded in action August 20, 1847; was promoted for meritorious conduct to the rank of brevet-major, his commission to take effect on the day last named, and on the 31st July, 1848, was honorably discharged from the service, and was pensioned for disability caused by his wound.

He was mustered into the service of the United States June 15, 1861, as colonel of the First New York (Lincoln) Cavalry, and his pension was suspended from that date under the act of April 30, 1844, (sec. 4724, Revised Statutes), until July 22, 1864, the date of the expiration of his term of service, when his pension was renewed.

The bill under consideration proposes to pay him his pension from June 15, 1861, to July 22, 1864, the time the same was suspended by reason of his again entering the service of the United States.

The suspension of his pension during his service in the war of the rebellion was in accordance with the law above cited, and there are doubtless many similar cases.

The committee do not feel at liberty to recommend that this case be taken out of the operation of the law of 1844, and therefore recommend that the bill be indefinitely postponed.





IN THE SENATE OF THE UNITED STATES.

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APRIL 23, 1880.—Ordered to be printed.

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Mr. WITHERS, from the Committee on Pensions, submitted the following

REPORT:

The Committee on Pensions, to whom the petition of Ann Dennis, mother of James Dennis, was referred, having examined the papers, find that the claim is now pending in the Bureau of Pensions awaiting the receipt of testimony showing the condition of the soldier from the date of his discharge from the First Regiment Kentucky Volunteers to the date of enlistment in the Thirty-fourth Regiment Illinois Volunteers.

As the committee do not undertake to exercise original jurisdiction in cases pending in the office of the Commissioner of Pensions, they ask to be relieved of the further consideration of the petition.

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IN THE SENATE OF THE UNITED STATES.

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APRIL 23, 1880.—Ordered to be printed.

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Mr. WITHERS, from the Committee on Pensions, submitted the following

REPORT:

The Committee on Pensions, to whom the petition of Henry Slaughter, asking increase of pension, was referred, having examined the papers in the case, find that the applicant has been receiving a pension since 1864; that his disability was rated first at \$2 per month, afterwards increased to \$4, and subsequently to \$10 per month; that he has received arrears of pension to 1864; that his present pension was determined by the degree of disability, as ascertained by the medical board of examiners; that no evidence or claim of any increase of disability is submitted. The committee therefore ask to be discharged from further consideration of the petition.

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IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1880.—Ordered to be printed.

Mr. CAMERON, of Pennsylvania, from the Committee on Naval Affairs, submitted the following

R E P O R T :

[To accompany bill S. 542.]

*The Committee on Naval Affairs, to whom was referred the bill (S. 542) for the relief of Benjamin C. Bampton, have had the same under consideration, and beg leave to submit the following report :*

A bill for the relief of Mr. Bampton received the favorable consideration of the House Committee on Naval Affairs at the last session of Congress, and was reported to the House on the last day of the session, but did not receive action by that body on account of the closing hours of the session. The report at that time was submitted by Hon. Frank Jones, which is hereby adopted and made part of this report.

[H. Report No. 148, Forty-fifth Congress, 3d session.]

Passed Assistant Engineer Bampton was retired September 6, 1873, on account of having failed to pass for promotion to the grade of chief engineer, although considered one of the most efficient practical engineers in the service, who had passed successfully through the different grades of assistant engineer, and had served ten years and eight months at sea and two years and seven months on shore duty in these capacities, always performing his duty faithfully and satisfactorily, his deportment being correct.

The Secretary of the Navy writes of the case of Engineer Bampton, in a communication dated January 23, 1879, to the subcommittee to whom this bill was referred, as follows, viz:

"His only trouble was his failure to pass for promotion to the grade of chief engineer. As he was not retired for disability incurred in the line of duty, nor from exposure or sickness in the service, he does not come within the class of officers entitled, under section 1588 of the Revised Statutes, to 75 per cent. of their sea pay. But inasmuch as he was allowed 75 per cent. under an authorization of the Secretary of the Navy, and approved of by the accounting officers, and was paid at that rate for several years, it would seem but just to allow him the sum paid under such authority and approval, and not check against him, under any new decision or ruling, the difference between 50 and 75 per cent., as appears to have been done. The only recommendation that I can consistently make in the case is that the accounting officer be authorized to remove any checkages or suspensions against him, and permit him to retain the pay already received; and that he should be entitled to receive 50 per cent. only of his sea pay thereafter."

After carefully considering the equities involved in the bill, the committee recommended the passage of the accompanying substitute for the bill herewith submitted, substantially adopting the recommendation of Secretary Thompson, which seems to be wise and just.

NAVY DEPARTMENT, *Washington, January 23, 1879.*

SIR: I have the honor to return herewith H. R. bill 5789, for the relief of Benjamin C. Bampton, passed assistant engineer in the Navy, on the retired list, which you referred to this department for a report in the case.

Passed Assistant Engineer Bampton was retired September 6, 1873, on account of having failed to pass for promotion to the grade of chief engineer. He had then seen 10 years and 8 months' sea service and 2 years and 7 months' shore duty. He has been in the service about 21 years. So far as the records show, he always performed his duty faithfully and satisfactorily in the different grades of assistant engineer, and his conduct and deportment were correct. His only trouble was his failure to pass for promotion to the grade of chief engineer.

As he was not retired for disability incurred in the line of duty nor from exposure or sickness in the service, he does not come within the class of officers entitled, under section 1588 of the Revised Statutes, to 75 per cent. of their sea pay.

But inasmuch as he was allowed 75 per cent. under an authorization of the Secretary of the Navy, and approval of the accounting officers, and was paid at that rate for several years, it would seem but just to allow him the sum paid under such authority and approval, and not check against him, under any new decision or ruling, the difference between 50 and 75 per cent., as appears to have been done.

The only recommendation that I can consistently make in the case is that the accounting officer be authorized to remove any checkages or suspensions against him, and permit him to retain the pay already received; and that he should be entitled to receive 50 per cent. only of his sea pay thereafter.

The bill as amended would read: "That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed, in settling the account of B. C. Bampton, to remove any checkages or suspensions made on account of his pay; and that his pay thereafter shall be fifty per cent. only of his sea pay."

I am, sir, very respectfully,

R. W. THOMPSON,  
*Secretary of the Navy.*

Hon. FRANK JONES,  
*Of Committee on Naval Affairs, House of Representatives.*

From the foregoing it will be seen that this bill has received the sanction of the Secretary of the Navy, and your committee therefore beg leave to report the bill with an amendment, in the nature of a substitute, and recommend its passage as thus amended.

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IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1880.—Ordered to be printed.

Mr. MAXEY, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 5894.]

*The Committee on Military Affairs, to which was referred the bill (H. R. 5894) to authorize the sale of Fort Logan, Montana Territory, and to establish a new post on the frontier, respectfully submits the following report:*

This bill passed the House of Representatives April 20, 1880.

The facts are presented in the report of the Committee on Military Affairs of the House, which is hereby adopted, and is as follows:

The Committee on Military Affairs beg leave to report that Fort Logan, when established, was on the frontier, but that the settlements have outgrown it, and the post needs to be moved out about a hundred miles on the present frontier, which is now the scene of continued Indian raids and conflicts.

It is thought that sufficient money can be obtained by the sale of the old post to establish the new one.

The troops now have to be sent continually to the front, and their transportation back and forth is expensive, and their service is much more unsatisfactory than if stationed where needed. The military authorities have repeatedly urged this change, and present exigencies make it immediately necessary. The accompanying letter of the Secretary of War, and the indorsements of General Terry and General Sherman, having been referred to the Committee on Military Affairs, that committee have prepared this bill. In view of the pressing necessity of the case, on account of recent and threatened conflicts, and the approach of the season when war parties of Indians can make their raids with the greatest impunity, the committee unanimously recommend that the rules be suspended and the bill passed.

Wherefore the committee reports back House bill 5894 without amendment, and recommends its passage.

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IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1880.—Ordered to be printed.

Mr. MCPHERSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1515.]

*The Committee on Pensions, to whom was referred the bill (S. 1515) granting a pension to Hiram C. Shouse, have carefully examined the same, and report as follows:*

The petitioner was a private in Company G, Eleventh Regiment Illinois Infantry, and was wounded at the battle of Fort Donaldson February 15, 1862, in the right leg below the knee. At the same time he was so wounded as to cause the loss of the thumb on his left hand. He was also shot in the right arm at the elbow with a musket ball and three buckshot, the same entering the arm and shattering the bone in small pieces.

The facts thus stated appear to be verified by the papers in the case.

He claims that his right arm was rendered thereby almost, if not entirely, useless, as the bone never formed a perfect union. The ends of the bone slide past each other, and for months at a time pieces of decayed bone pass out of the opening in the arm. He cannot raise his right arm or hand to his face, and is compelled to have assistance in dressing.

He was granted a pension for *injury* to his right arm, and was allowed until June 6, 1866, a pension of \$8 per month; from that time until June 3, 1872, a pension of \$15 per month. He was again examined in 1878 for increase, and was recommended by the board of examining surgeons at Davenport, Iowa, for an increase to \$36 per month, which increase was rejected by the Pension Office, but was allowed an increase to \$18 per month by that department, that being the amount allowed by law for his disabled right arm.

The committee are of opinion that an additional pension should be granted him, and recommend the passage of the accompanying bill with an amendment.

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IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1880.—Ordered to be printed.

Mr. RANDOLPH, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 3351.]

*The Committee on Military Affairs, to whom was referred the bill (H. R. 3351) for the relief of Rev. Paul E. Gillen, respectfully submit the following report:*

The bill, as amended, simply provides for the payment of the Rev. Paul E. Gillen as chaplain of the Army from the 20th of July, 1861, to the 25th of November, 1862. It appears from evidence furnished your committee that the Rev. Paul E. Gillen, in view of the scarcity of Catholic chaplains, volunteered his services immediately after the first battle of Bull Run. He was duly accepted by General McClellan, who properly supplied him, and being furnished with a pass, entered upon his duties. He visited the Second, Seventeenth, Thirty-sixth, Forty-second, Sixty-ninth, One hundred and fifty-fifth, and One hundred and sixty-fourth Regiments New York Volunteers; also the First Pennsylvania Artillery, and the Sixty-ninth Pennsylvania, and Tenth New Hampshire Volunteers; performing the duties of chaplain in each of the regiments. The officers in command bear testimony to the faithfulness and efficiency of his laborious duties; show that he was constantly engaged in administering the consolation of his religion to the wounded and dying. His noble work impressed the One hundred and seventieth Regiment New York Volunteers, and he was chosen its chaplain, being mustered in as such November 25, 1862. From the 20th of July, 1861, to the time he was mustered in as chaplain of One hundred and seventieth New York, a period which he performed the severe duties referred to, he received no compensation, and to which your committee believe he is justly entitled.

He is warmly indorsed by General Devins, now Attorney-General; General Hancock, General McClellan, Col. James McQuade, commander of the Grand Army of the Republic, and others.

In view of his extreme old age—being now in his 81st year—and the feebleness and suffering aggravated by disease contracted in active service, and as an act of merited justice, your committee recommend the passage of the bill, with an amendment.



IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1880.—Ordered to be printed.

Mr. MCPHERSON, from the Committee on Pensions, submitted the following

REPORT:

*The Committee on Pensions, to whom were referred the memorial of the legislature of the State of Minnesota and the petition of David W. Seeley, asking for a pension for said David W. Seeley, have carefully examined the same, and report as follows :*

They find that David W. Seeley was not in the service of the United States when he was wounded, nor was he before or subsequently in said service. It is shown by his neighbors that he was a member of a squad of Minnesota minute men, organized under a call of the governor of the State to protect the citizens of the frontier against the Sioux Indians (in what was known as the Indian massacre of 1862). He was shot while on his way to the frontier, and his left arm was amputated on account of the injuries received. In the office of the United States Adjutant-General there is no record of the company to which Seeley is said to have belonged, and the adjutant-general of the State of Minnesota affirms that there is no record of the rolls of said company in that office. There is, however, abundant evidence that Seeley was enlisted in said service, although not mustered, and was injured as stated.

In March, 1879, the legislature of Minnesota passed a joint resolution asking the representatives of that State in Congress to obtain, if possible, some suitable relief for said D. W. Seeley. Your committee are of opinion that, under the circumstances, a pension should not be granted, and therefore ask to be discharged from further consideration of the subject. It seems clear that if relief be granted it should be given by the State of Minnesota.

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IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1880.—Ordered to be printed.

Mr. PLUMB, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 758.]

*The Committee on Military Affairs, to whom was referred the bill (S. 758) for the relief of James M. Bacon, have had the same under consideration, and submit the following report :*

That in the month of June, 1864, Brevet Major-General Alfred Sully, in command of the first military district of the department of the Northwest, organized an expedition against the hostile Sioux Indians in the Upper Missouri River country. About the time said command started on its march, James M. Bacon, late first lieutenant First Regiment Dakota Volunteers, cavalry, was by General Sully assigned to duty as acting assistant quartermaster for said expedition, and he joined the command at Fort Randall. There were a large number of citizen employes with the expedition. With the concurrence of General Sully, a man by the name of William S. Linn, who had been in the employ of the quartermaster's department at Saint Louis, was employed on similar service with said command; and as said Bacon had had no experience in such duties, and, as stated by himself, had little aptitude for them, almost the entire business, so far as the clerical affairs of office were concerned, was confided to this clerk. He was esteemed both honest and competent, but addicted to occasional excessive dissipation.

The expedition was not supplied with quartermaster's funds, and a pay-roll was made out, and by order of General Sully a sufficient sum was borrowed of the sutler to pay the employes on their arrival at the Yellowstone River. The same process was repeated at Forts Rice, Sully, and Randall on the return trip. The amount so paid out was reimbursed by Bacon on the arrival of the command at Sioux City from funds furnished by the district quartermaster, upon the presentation of a proper pay-roll and receipts. Lieutenant Bacon, with the assistance of his clerk, then set about the work of preparing his accounts for transmissal to the proper accounting officers at Washington, and when so prepared in duplicate they were sent by the hands of the clerk (Linn) to Dubuque, then General Sully's headquarters, for his approval. The general, however, being absent in Chicago on special duty, Linn proceeded to that place and presented the accounts to General Sully, by whom they were approved. From that time to this Lieutenant Bacon states, and all the facts corroborate his statement, that he has neither seen nor heard of said Linn directly, nor has he ever been able to give any trace of the missing papers.



In May, 1865, only some two months subsequent to said approval of the vouchers, General Sully certified to the fact of said examination and approval, and, further, that to the best of his recollection and belief, these papers and vouchers closed the accounts of said Lieutenant Bacon. Major William Myers, quartermaster United States Army, states that Lieutenant Bacon's account of the transaction, which is much more in detail than the foregoing, is correct, except that he (Myers) had no knowledge of the special assignment of Linn to duty as clerk with the expedition. Hon. Sylvester Bagg, now, or at the time of the making of his affidavit, judge of the circuit court of the ninth judicial district of Iowa, but at the time of the transactions referred to chief quartermaster of the military district, testifies that Lieutenant Bacon was assigned to duty with the expedition at his (Bagg's) instance; that he furnished Lieutenant Bacon the funds as stated above, and that the pay-rolls and accounts were correct and properly receipted; that subsequently Lieutenant Bacon prepared his returns for submission to the accounting officers of the government, and that he (affiant) personally and carefully examined the same and found that they were correct and corresponded with the reports submitted to him, and that they showed that the funds had been properly expended by Bacon, as shown by the receipted vouchers filed with the returns; that he notified General Sully of such examination; that said accounts were sent to General Sully as stated above, and that subsequently General Sully told him (Bagg) that he had examined and approved the same. Affiant further states that to his knowledge the clerk, Linn, never returned to Sioux City, nor in any manner accounted for the papers intrusted to him; and that it was currently reported and believed that said Linn "got on a drunken spree and absconded," and that he (affiant) has not since seen or heard of him. This affidavit is dated November 14, 1878. An affidavit of General Sully is also submitted, dated August 5, 1878, which is corroborative of the statements made in the foregoing. He says "that it is impossible for him at this late date to recollect the number of citizens employed by Lieutenant Bacon, or the amounts paid them, but he knows that by Lieutenant Bacon's accounts, the number and prices paid were correct."

The Quartermaster-General and Secretary of War both recommend that Lieutenant Bacon be relieved of this accountability. The committee are entirely satisfied from all the testimony that the amount for which this claimant is held was properly disbursed and accounted for, and that the failure of the returns and vouchers to reach their destination at Washington was through no fault of his. They find that he is not indebted to the government in any sum whatever; and, further, they do not hesitate to express their belief, from all the evidence submitted, and all the facts brought to their knowledge, that Mr. Bacon is a man of undoubted integrity, and that his claim to be relieved of this recorded accountability is one that commends itself to the prompt action of Congress.

The committee therefore recommend the passage of the bill.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1890.—Ordered to be printed.

Mr. BURNSIDE, from the Committee on Military Affairs, submitted the following

REPORT :

[To accompany bill S. 149.]

*The Committee on Military Affairs, to whom was referred the bill (S. 149) for the relief of John Gotshall, have had the same under consideration, and beg leave to submit the following report :*

Upon a careful examination of this bill your committee see no good reason for recommending its passage. It appears from the records that Gotshall was regularly, legally, and fairly tried by a court-martial for grave offenses and was cashiered; it also appears that the sentence of the court was duly approved. The argument that the President of the United States did not make a personal approval of the case cannot be sustained, because the order making his dismissal says they were received for the examination and approval of the President of the United States and that he ceases to be an officer, so that it is evident that the proceedings must have been laid before the President, otherwise the order could not have been issued unless the Secretary of War, or the Adjutant-General, assumed authority which did not belong to them. That is not to be presumed without evidence, and no evidence appears before the committee to show that they did take any assumption of power.

All the records in this case upon which your committee formed their conclusion accompany this report, but are not printed, as it would make the report too voluminous, but they can be referred to at any time when the case may be called up for consideration.

Your committee therefore report adversely upon the bill, ask to be discharged from its further consideration, and recommend that the bill be indefinitely postponed.

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IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1880.—Ordered to be printed.

MR. BURNSIDE, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 84.]

*The Committee on Military Affairs, to whom was referred the bill (S. 84) to furnish a bronze statue of General Daniel Morgan to the Cowpens centennial committee of Spartanburg, S. C., having had the same under consideration, beg leave to submit the following report :*

Your committee do not deem it expedient to recommend the passage of the bill. In a report made but a few days ago upon a bill authorizing the erection of a monument at Yorktown, your committee gave its reasons for treating that bill as exceptional, and they do not think it would be a wise or proper policy on the part of government to enter into any general system for the erection of monuments commemorative of Revolutionary events, but recommend that such work be left to the States and communities particularly interested.

They therefore report the joint resolution back adversely, ask to be discharged from its further consideration, and that it be indefinitely postponed.

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IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1880.—Ordered to be printed.

Mr. BURNSIDE, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 529.]

*The Committee on Military Affairs, to whom was referred the bill (S. 529) to provide for the better care and protection of quartermasters' supplies, have had the same under consideration, and beg leave to submit the following report:*

Your committee recommend the passage of this bill. This recommendation is based upon the following letters from the Secretary of War and the acting Quartermaster-General of the Army:

WAR DEPARTMENT, WASHINGTON CITY,  
January 22, 1880.

SIR: Returning herewith Senate bill 529, Forty-sixth Congress, second session, "to provide for the better care and protection of quartermasters' supplies," referred by you to this department for an expression of views upon the subject of the bill, I beg to invite your attention to the report herewith from the acting Quartermaster-General, whose views upon the matter under consideration are concurred in by me.

Very respectfully, your obedient servant,

ALEX. RAMSEY,  
Secretary of War.

Hon. A. E. BURNSIDE,  
of Committee on Military Affairs, United States Senate.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,  
Washington, D. C., January 21, 1880.

SIR: I have the honor to return herewith the copy of Senate bill 529, Forty-sixth Congress, second session, "to provide for the better care and protection of quartermasters' supplies," referred to this office for report on the 15th instant.

The Quartermaster-General has recommended in all of his annual reports since 1873, that a law to this effect be enacted, and in his report for 1879 expressed himself as follows on the subject of this bill: "Many officers of the line, finding themselves charged with heavy responsibility as acting assistant quartermasters, and having insufficient assistance at frontier posts, ask that the enlistment of post quartermaster sergeants may be allowed by law. Such non-commissioned officers, selected for experience and fidelity shown in actual service, would be very useful. They would remain at posts in charge of the property when the garrison changed, and thus would preserve knowledge and responsibility, now often lost through the frequent change of officers."

These views of the Quartermaster-General are concurred in by the Acting Quartermaster-General, who urgently recommends the passage of the within bill.

Very respectfully, your obedient servant,

STEWART VAN VLIET,  
Acting Quartermaster-General, U. S. Army.

The Hon. the SECRETARY OF WAR.



IN THE SENATE OF THE UNITED STATES.

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APRIL 27, 1830.—Ordered to be printed.

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Mr. BURNSIDE, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 258.]

*The Committee on Military Affairs, to whom was referred the bill (S. 258) authorizing the Secretary of War to detail an officer of the Army to take command of the expedition fitted out by Messrs. Morison and Brown, citizens of New York, to search for the records of Sir John Franklin's expedition, and to issue to such officer Army equipments, have had the same under consideration, and beg leave to submit the following report :*

This bill is one which, to have been at all effective, should have passed during the extra session of Congress, but the policy adopted at that session, not to enter into any legislative business, precluded the possibility of passing it then. The necessity or propriety of its passage having passed, your committee ask to be discharged from its further consideration, and recommend its indefinite postponement.

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IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1880.—Ordered to be printed.

Mr. BURNSIDE, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 96.]

*The Committee on Military Affairs, to whom was referred the bill (S. 96) to authorize the Secretary of War to deliver to A. B. Rhett, T. Pinckney Lowndes, and others, four Napoleon guns, with caissons and harness, now at Greensborough, N. C., for use of the Marion Artillery, Charleston, S. C., have duly considered the same, and beg leave to submit the following report :*

According to the report from the Ordnance Department this subject was up some two years ago, when it was reported that there is no arsenal at Greensborough, and that none of the guns alluded to in the bill are under the control of the War Department. Your committee therefore ask to be discharged from the further consideration of the bill, and recommend its indefinite postponement.





IN THE SENATE OF THE UNITED STATES.

APRIL 28, 1880.—Ordered to be printed.

Mr. CAMERON, of Pennsylvania, from the Committee on Naval Affairs, submitted the following

R E P O R T :

[To accompany bill S. 543.]

*The Committee on Naval Affairs, to whom was referred the bill (S. 543) for the relief of Jabez Burchard, have had the same under consideration, and beg leave to submit the following report :*

The bill provides that the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to allow to Jabez Burchard, assistant engineer on the retired list of the United States Navy, an amount which, with payments heretofore made to him, will be equal to 75 per cent. of the sea pay of the grade or rank held by him at the date of his retirement by a naval board of the United States Navy; said amount to be paid out of any money in the United States Treasury not otherwise appropriated, and to take effect from and after the date of his retirement by said naval board.

Mr. Burchard entered the United States Navy March 14, 1865, as acting third assistant engineer. He served five months on the monitor Naubuc; was detached and ordered to the United States steamer Powhatan. He served a little over two years and six months on this steamer; was detached and granted one month's leave of absence, and was honorably discharged. He re-entered the Navy September 1, 1870, as second assistant engineer, and was ordered on special duty at League Island, Pennsylvania; detached from there January 11, 1872, and ordered to the United States monitor Terror, at Havana. While attached to this monitor at Key West, Fla, in July, 1872, he was taken with an affection of the eyes, was examined by a board of medical officers, condemned and sent home. After remaining on sick-leave for nearly a year he reported as fit for duty, and was ordered to join the United States steamer Tuscarora, at San Francisco. After joining this ship he was again attacked with affection of the eyes, and was again condemned by a medical survey and sent home. After his arrival home he placed himself under the treatment of Dr. P. D. Keyser, an eminent oculist, who pronounced his disease to be one of the worst forms of inflammation of the retina. While in this condition he was ordered before the retiring board at Washington, which board decided that he was unfit for duty by reason of disability which did not originate in the line of duty. This decision placed him on the retired list, with the rate of pay

of \$500 per annum. The report of the medical officers on the retiring board is as follows: •

NAVAL RETIRING BOARD,  
Washington, D. C., October 12, 1874.

SIR: We have examined Jabez Burchard, assistant engineer United States Navy, and find him afflicted with chronic retinitis. He has been twice condemned by medical survey for disease of the eyes, and there is no evidence on record that his disability originated in the "line of duty." He is at present unfit for duty, and, in our opinion, is permanently incapacitated to perform the duties appropriate to his commission.

Respectfully, &c.,

GEORGE PECK,  
*Medical Inspector.*  
DAVID KINDLEBERGER,  
*United States Naval Surgeon.*

Commodore J. W. A. NICHOLSON,  
*President Naval Retiring Board.*

Mr. Burchard asserts that when he appeared before the retiring board he was wholly unprepared with essential and necessary proof, such as a certificate from his family physician, who had known him from childhood, and other important testimony, to show that the disease did originate in the service, not deeming it necessary, but that he relied solely upon the merits of his case, which he supposed would be clearly evident from a simple statement of the plain facts of the same.

From a very careful and diligent examination of the papers in this case, your committee are of the opinion that the decision of the retiring board was erroneous and unjust, as will appear from the following certificates from Dr. P. D. Keyser, surgeon at Wills's Eye Hospital, Philadelphia, and Dr. William. T. W. Dickeson, the family physician of Mr. Burchard, which show very conclusively that the disease with which he is unfortunately afflicted was contracted in the line of duty while in the service of the United States, and that it was not hereditary.

1630 ARCH STREET,  
Philadelphia, May 2, 1876.

Mr. Jabez Burchard, assistant engineer United States Navy, came to me in October, 1873 suffering from a severe attack of retinitis, which has assumed a chronic form.

This affection of the eyes is the result of his duties on monitor service, the great heat and severe changes of light, &c. I can find no signs of any constitutional (acquired or congenital) disease.

He has been under my treatment up to the present date, and is still and always will be incapacitated for any use of his eyes.

P. D. KEYSER, M. D.,  
*Surgeon Wills's Eye Hospital, Philadelphia.*

This is to certify that I am personally acquainted with Dr. P. D. Keyser, and know him to be among the first physicians and oculists in this city.

L. G. WUNDER,  
*Chief Clerk, Philadelphia Post-Office.*

I hereby certify that I am acquainted with Dr. P. D. Keyser, a physician in good standing, and further that the foregoing is his certificate.

Witness my hand and official seal this 3d day of May, A. D. 1876.

ROBERT R. SMITH,  
*Magistrate of Court No. 8, Philadelphia.*

MEDIA, PA., May 4, 1876.

I certify that I have known Jabez Burchard, assistant engineer United States Navy, since he was a child, and can positively assert that there never was any hereditary disease about him; that he was in a sound physical condition on entering the

United States service, and had always good eyesight until sent home from duty on board the monitor Terror.

In his present condition, from chronic retinitis, he is absolutely unable to use his eyes from the painfulness caused by this disease.

WILLIAM T. W. DICKESON, M. D.

DELAWARE COUNTY, ss:

On this 4th day of May, A. D. 1876, personally appeared before me, a notary public of the Commonwealth of Pennsylvania, residing in said county, William T. W. Dickeson, M. D., who being duly affirmed according to law, says that the above facts are true as he verily believes.

Affirmed and subscribed before me the day and year above written.

A. P. OTTEY,  
Notary Public.

From the following letter of the former Secretary of the Navy, Mr. Robeson, to the Fourth Auditor of the Treasury, it will be seen that it was the opinion of the Navy Department that the disease was incident to the service:

NAVY DEPARTMENT, *Washington, March 1, 1877.*

SIR: Upon a full review of all the facts in the case of Assistant Engineer Jabez Burchard, United States Navy, the department is of the opinion that the causes which incapacitated him for active duty were incident to the service, and that he should receive the higher rate of pay allowed to retired officers by section 1588 of the Revised Statutes.

Very respectfully, &c.,

GEO. M. ROBESON,  
*Secretary of the Navy.*

Hon. S. J. W. TABOR,  
*Fourth Auditor of the Treasury.*

The following is a letter from the Secretary of the Navy to Hon. A. A. Sargent, former chairman of the Committee on Naval Affairs of the Senate, which gives a concise history of the whole subject:

NAVY DEPARTMENT, *March 14, 1878.*

SIR: I have the honor to acknowledge the receipt of your letter of this date inquiring, on behalf of the Naval Committee of the Senate, what were the reasons for placing Second Assistant Engineer Jabez Burchard on the retired list on furlough pay, and why it is now desirable to change his status.

January, 1874, Mr. Burchard was ordered before a retiring board, the finding of which was that he was affected with chronic inflammation of the retina and was consequently, at the time, unfit for duty, but "not incapacitated within the meaning of the law."

In October, 1874, he was again ordered before the retiring board and found incapacitated for service, and that there was no evidence that the incapacity originated in the line of duty.

The President concurred in opinion with the retiring board, and directed that Second Assistant Engineer Burchard be retired on "furlough pay," and he was so retired.

In 1876, Mr. Burchard appealed to the Secretary of the Navy to examine into his case, which he regarded as one of peculiar hardship, and filed certain papers in support of his claim that his disease originated in the line of duty, and asked that the President be requested to nominate him for transfer from the furlough to the retired pay list.

Copies of these papers are herewith inclosed. The Solicitor of the Navy, to whom these papers were referred, reported: "The evidence is so strong to prove that Burchard's loss of eyesight was caused by exposure in the performance of duty, that I respectfully advise that he be nominated for transfer from the furlough to the retired pay list."

No nomination for a transfer was made, but instead thereof the Secretary of the Navy, March 1, 1877, informed the Fourth Auditor of the Treasury that, upon a full review of the case of Mr. Burchard, he was of opinion that the causes which incapacitated him for active duty were incident to the service, and that he should receive the higher rate of pay allowed to retired officers under section 1588 of the Revised Statutes.

It appears that this view was accepted by the Fourth Auditor, and that Mr. Burchard was paid for the time he had been on the retired list the difference between furlough pay and retired pay.

On the 10th January, 1878, the Second Comptroller called on the department for a copy of so much of the decision of the retiring board in Mr. Burchard's case as related

to the question whether or not the causes were incident to the service, and, it is understood, decided, quite properly it is thought, that Mr. Burchard could only receive the higher pay by *transfer*, under section 1588 of the Revised Statutes, and gave directions to check against him the difference of pay he had received.

As he was getting only "furlough pay," or half of "leave of absence pay"—\$500 a year—the checkage of this difference, which he had received, against this small sum of \$500 per annum, was a peculiar hardship. Mr. Burchard therefore applied to the department for a recommendation to the President for his nomination from the furlough to the retired pay list.

Under all the circumstances—that is, the probability that Mr. Burchard's disease might have been incident to the service; that the Secretary of the Navy had given him the benefit of this view; that he had received the difference of pay; that a checkage against his small pay of \$500 per annum would be peculiarly hard; that he is nearly blind, and was not charged with nor retired for immoral conduct—I consider the case as one calling for my favorable action, and his name was submitted to the President for nomination from the furlough pay to the retired pay list.

A copy of the report of the medical officers on the retiring board is herewith inclosed; also a copy of a statement made by Burchard before the board.

Very respectfully, your obedient servant,

R. W. THOMPSON,  
*Secretary of the Navy.*

Hon. A. A. SARGENT,  
*Chairman Committee on Naval Affairs,  
United States Senate.*

Mr. Burchard was subsequently nominated for the retired list of the Navy, so that he could lawfully receive 75 per cent. of sea pay, and he was confirmed by the Senate. He was accordingly transferred from the furlough to the retired pay list April 1, 1878, to take effect from the date of his retirement, October 26, 1876. The Comptroller, however, still adhered to his former decision that Mr. Burchard could not receive that rate of pay without a special law of Congress allowing the same. Hence this bill.

A bill for the relief of Mr. Burchard was reported from the Committee on Naval Affairs of the House of Representatives at the last session of Congress on the very last day of the session, but failed to receive the final action of that body for want of time. The report submitted by Mr. Frank Jones, on behalf of the committee, at that time, shows that that committee held the same views in relation to the justice of the bill that your committee do. The report is as follows:

Mr. FRANK JONES, from the Committee on Naval Affairs, submitted the following report, to accompany bill H. R. 5642.

*The Committee on Naval Affairs, to whom was referred the bill (H. R. 5642) for the relief of Jabez Burchard, assistant engineer on the retired list of the United States Navy, having made diligent inquiry in reference to the merits of this bill, respectfully report:*

It appears from evidence furnished from the Navy Department that Assistant Engineer Burchard was retired in October, 1874, on account of defective vision, incapacitating him for active duty, and that a board of officers reported that his disability resulted from injuries received not in the line of duty; he was consequently placed upon furlough pay. In 1876 he appealed to the Secretary of the Navy for a re-examination of his case, and furnished evidence in support of his claim, that his disease resulted from injuries received in the line of his duty. The evidence was so strong in support of the fact that Mr. Burchard lost his eyesight by exposure in the performance of his duty that the Secretary considered it just that he should be transferred from furlough to the retired list of the Navy, and he ordered the accounting officer of the Treasury to allow him 75 per cent. of the sea pay of his grade, which he was accordingly paid. But a new Comptroller coming into office, ruled, under the opinion given by the Attorney-General, that having been retired by a report of a board of officers, stating that his disability was not the result of injuries incurred in line of duty, he was entitled to but 50 per cent. of sea pay. Afterward Secretary Thompson, with a view to give him 75 per cent. of sea pay, recommended that he be nominated for the retired list of the Navy, and the President so nominated him; and after an examination of all the papers

in connection with the case the Senate confirmed the nomination. He was accordingly put on the retired pay list of the Navy. But the Comptroller still decided that such nomination and confirmation could not give him the 75 per cent. of sea pay without an act of Congress, and in this decision he was sustained by the Attorney-General. There was therefore no recourse left Mr. Burchard but to appeal to Congress. In his letter to the chairman of the Senate Naval Committee, Secretary Thompson said: "Under all the circumstances, and considering the probability that Mr. Burchard's disease might have been incident to the service; that the Secretary of the Navy had given him the benefit of this view, and that he had received the difference of pay; that a checkage against his small pay of \$500 per annum would be peculiarly hard; that he is nearly blind, and was not charged with or retired for immoral conduct, I consider the case as calling for my favorable action, and his name was submitted to the President for transfer from furlough pay to the retired pay list."

Considering all the facts and circumstances in connection with this case, the committee report favorably thereon, and recommend that the bill ought to pass.

Mr. Burchard is entirely incapacitated from pursuing any avocation that requires the use of his eyes, and is, therefore, debarred from the pursuit of any occupation by which he might earn a sufficient income for his support.

Should the bill recommended by your committee pass, Mr. Burchard will receive pay at the rate of \$1,275 per annum, or 75 per cent. of the sea pay of his grade, his pay at present being \$850 per annum, or 50 per cent. of the sea pay of his grade.

The following statement is incorporated in this report for the information of the Senate, which shows the rate at which Mr. Burchard has been paid since his retirement:

Jabez Burchard retired October 26, 1874, and paid as follows:

From October 26, 1874, to June 30, 1875, at \$950 per annum (248 days) .....	\$645 48
From July 1, 1875, to March 31, 1877, at \$500 per annum .....	875 36
From April 1, 1877, to June 30, 1877, at \$1,275 per annum .....	317 28
From July 1, 1877, to September 30, 1877, at \$1,275 per annum .....	321 37
From October 1, 1877, to December 31, 1877, at \$1,275 per annum....	\$321 37
Checked in first quarter 1878 .....	80 43
	<hr/>
	240 94
From January 1, 1878, to January 31, 1878, at \$1,275 per annum .....	108 29
From February 1, 1878, to March 31, 1878, at \$500 per annum .....	80 33
From April 1, 1878, to June 30, 1878, at \$1,275 per annum .....	\$317 88
Disallowed by Comptroller .....	105 96
	<hr/>
	211 92
From July 1, 1878, to September 30, 1878, at \$850 per annum .....	214 25
From October 1, 1878, to December 31, 1878, at \$850 per annum .....	214 25
From January 1, 1879, to March 31, 1879, at \$850 per annum .....	209 59
From April 1, 1879, to June 30, 1879, at \$850 per annum .....	211 92
From July 1, 1879, to September 30, 1879, at \$850 per annum .....	214 25
From October 1, 1879, to December 31, 1879, at \$850 per annum .....	214 25
Paid by certificate April, 1877, difference between 75 per cent. of \$1,700 per annum (\$1,275) and 50 per cent. of \$1,900 per annum (\$950) from October 26, 1874, to June 30, 1875 .....	220 82
Difference between \$1,275 and \$500 per annum from July 1, 1875, to March 31, 1877, inclusive .....	1,356 79
Paid by certificate April 15, 1879, difference between \$500 and \$1,275 per annum from February 1, 1878, to March 31, 1878, and amount checked by paymaster first quarter 1878 (\$80.43) .....	205 70

N. B.—This officer received the pay at \$1,275, or 75 per cent. of the sea pay at \$1,700 per annum from date of retirement, October 26, 1874, to March 31, 1878. April 1, 1878, it was changed to 50 per cent. of \$1,700 (\$850), and he is so paid to December 31, 1879, last return in.

Your committee are of opinion that this is a very meritorious case, and one that appeals to the magnanimity and justice of Congress.

The bill is, therefore, reported favorably, and its passage is earnestly recommended.





IN THE SENATE OF THE UNITED STATES.

APRIL 28, 1880.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 1545.]

*The Committee on Claims, to whom was referred the bill (S. 1545) for the relief of J. W. Burbridge & Co. and Robert H. Montgomery, have carefully considered the same, and submit the following report:*

This bill directs that the claims of J. W. Burbridge & Co. and Robert H. Montgomery to the proceeds of certain sugars alleged to have been taken by the United States officers under General Orders No. 91, of General Butler, at New Orleans, amounting to \$37,951.59, be referred to the Court of Claims for adjudication upon the evidence now in the records of said court, and such additional evidence as may be produced, and that said court shall determine whether said J. W. Burbridge & Co. had, at the time of the taking, a valid and subsisting lien which could have been enforced, and, if so, the nature and extent of that lien and for what amount, and whether J. W. Burbridge & Co. are entitled to said lien as against the United States; and that said court shall further determine whether the said lien was assignable, and was in fact assigned to said Montgomery, and is valid in the hands of said Montgomery against the United States; and if the said court, upon the facts, can lawfully render judgment against the proceeds of said property in the hands of the United States and claimed under said lien, the said court shall determine whether such judgment shall be in favor of said Montgomery or said Burbridge & Co., or both, having due regard to the equities between them.

This bill is a very peculiar one, and by its terms the court is required to determine whether Burbridge & Co. had a valid, subsisting, and enforceable lien on the sugars, the nature, extent, and amount of the same, and whether said Burbridge & Co. are entitled to the advantages of said lien against the United States, and whether the lien was assignable, and was in fact assigned to said Montgomery, and is valid in his hands against the United States, and then, if the court can lawfully render a judgment against the proceeds of said sugars, to determine whether Montgomery or Burbridge & Co. shall get the proceeds, or both, and, if both, in what proportion.

Robert H. Montgomery claims that he is a citizen of Great Britain, and that J. W. Burbridge & Co. were commission merchants in New Orleans, La., and were the factors of one Leo L. Johnson, the owner of the plantation known as the Webster plantation, on the line of the Opelousas Railroad, about 35 miles from New Orleans. It is claimed, and for the purposes of this report admitted, that claimants, Montgomery

and Burbridge & Co., in 1862, and prior and subsequent thereto, resided in New Orleans, La., and were loyal citizens, and that Leo L. Johnson was in 1862 inside the rebel lines. It is claimed that said Johnson was largely indebted to said Burbridge & Co. J. W. Burbridge swears that in September, 1862, he alone constituted the firm of J. W. Burbridge & Co., and always was the capitalist, and that J. W. Burbridge & Co. were the factors of Leo L. Johnson, who was indebted to said firm in the sum \$131,366.67, and that he, J. W. Burbridge, had authority to sell the crops of said Johnson and to apply the proceeds to liquidate said advances, and that he did, through his agent, Thomas D. Harris, sell the crop of the said Webster plantation to said Montgomery September 9, 1862. The contract was in writing, and is as follows, to wit:

Know all men by these presents that it has been agreed, and it is hereby agreed, between the undersigned, as follows, to wit: Thomas D. Harris, acting as the attorney in fact of J. W. Burbridge & Co., of this city, the agents of Leo L. Johnson, of the parish of La Fourche, in this State, has sold, and hereby does sell, unto Robert H. Montgomery, of this city, the following crop, belonging to said Leo L. Johnson, contained in his sugar-house and purgery on his plantation, in the parish of La Fourche, near La Fourche Crossings, to wit, six hundred and five hogsheads of sugar, seven hundred barrels molasses, and three hundred barrels rum, at the following prices, to wit: For the sugar, at 4½ cents per pound; for the molasses, at 20 cents per gallon; and for the rum, at 50 cents per gallon; the weight and quantity to be determined at the time and upon the delivery thereof in New Orleans.

The said Montgomery, in consideration of said sales so to him made, has paid in ready money the sum of \$5,000 to said Harris, attorney in fact aforesaid, the receipt whereof is hereby acknowledged, and accepted as so much on account of the first sugar, molasses, or rum delivered to him, said Montgomery, as aforesaid; the balance to be paid by said Montgomery at each future delivery of said sugar, molasses, and rum.

Thus agreed and done, in duplicate, at New Orleans, this 9th of September, 1862.

J. W. BURBRIDGE & CO.,  
Per THOMAS D. HARRIS,  
Attorney.  
R. H. MONTGOMERY.

Witnesses:

JNO. L. CAVANNA.  
J. C. MCALLISTER.

B.

NEW ORLEANS, September 9, 1862.

The overseer on the plantation of Leo. L. Johnson will please deliver to the order of Robert H. Montgomery the entire crop of sugar, molasses, and rum contained in the sugar-house and purgeries, &c., on said plantation, the same having been sold to him this day.

J. W. BURBRIDGE & CO.,  
Per T. D. HARRIS.

Deliver the above sugar, molasses, and rum to William P. Maloney or order.

R. H. MONTGOMERY.

This contract speaks for itself. It was a sale by Thomas D. Harris, acting as the attorney in fact of J. W. Burbridge & Co., the agents of Leo L. Johnson, to R. H. Montgomery of 605 hogsheads of sugar, 700 barrels molasses, and 300 barrels rum, at fixed prices. On the day of this sale Burbridge & Co. gave to Montgomery an order on the overseer of Johnson, a written order, to deliver *the entire crop* of sugar, molasses, and rum on the plantation. On the 9th of November, 1862, two months after this sale, General Butler issued General Orders No. 91, declaring the territory west of the Mississippi River, excepting the parishes of Plaquemines and Jefferson, to constitute the district of La Fourche, and declaring that "all property in said district be, and is hereby, sequestered," and all sales or transfers thereof were forbidden and held invalid,

and appointed a commission, consisting of Maj. Jos. M. Bell, provost-judge, president; Lieut. Col. J. B. Kinsman, aid-de-camp; and Captain Fuller, Seventy-fifth New York Volunteers, provost-marshal of the district, to take possession of the property of the district, make inventory of the same, to collect all the personal property, and turn over to the proper officers such as may be required for the use of the United States Army, and to collect together all the other personal property and bring it to New Orleans and sell it at auction to the highest bidder, and, after deducting expenses, to hold the proceeds thereof subject to the just claims of loyal citizens and those neutral foreigners who, in good faith, shall appear to be owners of the same.

Under said order said commission took possession of the sugars on said Webster plantation and disposed of the same. Mr Montgomery presented to said commission a petition in which he stated "that on the 9th day of September, 1862, the said J. W. Burbridge & Co., having a lien and privilege on sugar, molasses, and rum on the plantation of Leo L. Johnson, at La Fourche Crossing, through their attorney, Thomas D. Harris, sold the same to the said Montgomery upon the terms and conditions set forth in Exhibit A," which was the written contract hereinbefore quoted, and that on the same day an order was given by said Burbridge & Co. on the overseer of said plantation for the delivery of said sugar, &c., to said Montgomery, and that on November 20, 1862, the president of said sequestration commission gave a written permission to W. P. Maloney (who was authorized by said Montgomery in writing to receive said sugar) to get said sugars, &c., and that before he could do so the same was seized by the United States military authorities, and 278 hogsheads of said sugar were shipped to New Orleans and sold, the proceeds thereof amounting to \$22,018.97, and the same was thereupon paid to said Montgomery.

Said Montgomery afterwards, in December, 1867, made application to the Secretary of War by an affidavit in writing, in which he states that on September 9, 1862, he purchased from J. W. Burbridge & Co., factors for Leo L. Johnson, a large amount of sugar, molasses, and rum, then on the plantation of said Johnson, and that in the month of October, 1862, under General Butler's order, said property, together with that of many others, was sequestered, brought to New Orleans, sold, and the proceeds passed into the hands of United States officers, and that he had been able to identify as his property certain sugars so sold by said commission on November 17, 18, and 19, 1862, amounting to 461 hogsheads, sold for the gross sum of \$43,808.80, the expenses being \$1,053.20, leaving as net proceeds \$41,755.61, and prayed for the allowance and payment of said sum.

An examination was had by the War Department and a report made in the case by James A. Hardie, Inspector-General, dated May 26, 1868, in which he says "the receipt in Montgomery's handwriting, however, reads that the amount awarded by the commission, \$22,018.97, from the sale of the parcel of 278 hogsheads, is in full settlement of claim for the sugar on Webster plantation. The receipt is dated April 10, 1863; the sales, the proceeds of which were thus receipted for, took place on December 5, 8, 10, and 12, 1862; the other sugars for which claim is now made were sold on November 17, 18, and 19, 1862." The War Department refused relief. Thereupon the said R. H. Montgomery instituted his action in the Court of Claims against the United States, No. 2921, and a great deal of testimony was taken and the case was submitted to said court at its December term, 1869. In that case Montgomery claimed \$37,351.49. The Court of Claims seems to have given

the case a thorough examination and decided it upon its merits against the claimant. Among other things the court says:

Thus it will be seen that there is not the slightest foundation in the proofs in this case upon which to build a lien or privilege upon these crops, for, giving the evidence, the widest scope that could possibly be claimed for it in any aspect, it only shows the general indebtedness of the owner on a general account. \* \* \* And this part of the case has not the least possible basis on which to rest.

And further—

It has been pressed upon our consideration with great earnestness and ability by the learned counsel of the claimant that, as agents and factors who had advanced money to make this crop, Burbridge & Co., in addition to being factors and agents, had a lien or privilege on this property by the law of Louisiana to be paid their advancements, and that in consequence they had such special property in these sugars as authorized them to sell. But this is a total misapprehension of the law of lien or privilege as it is there called and as it exists in that State.

The decision of the Court of Claims being adverse, Montgomery appealed the case to the Supreme Court of the United States. It was by that court decided at its December term, 1872. In rendering their decision this court says:

For we are of the opinion that whether executed or executory it was illegal and void. \* \* \* It is vain to contend that any right can be acquired under such a contract. \* \* \* It has been argued that because Burbridge & Co., the agents, had a lien upon the property for advances made by them, and had also a power to sell for the repayment of their advances, the sale which was made ought not to be regarded as a sale by Johnson; yet the only authority they had to sell at all resulted either from express power given to them by the owner or from the relation to him in which they then stood. They might have sold their lien or the debt secured by it, and, had they done so, the sale would have involved no trading with the enemy. But they undertook to sell Johnson's property, describing it as such in the instrument of sale, and describing themselves as Johnson's agents. Very clearly, in effect, the parties to the transaction were the appellant and a public enemy.

The Supreme Court affirmed the decision of the Court of Claims. While these proceedings were pending what is known as "the Treaty of Washington" was entered into between the United States and Great Britain for the settlement of the then pending questions between the two countries. This treaty was concluded at Washington May 8, 1871, ratification advised by the Senate May 24, ratified by the President May 25, ratifications exchanged at London June 17, and proclaimed July 4, 1871. Article 12 and following articles made provision for the final and conclusive settlement of all claims on the part of corporations, companies, or private individuals, subjects of Her Britannic Majesty, upon the Government of the United States arising out of acts committed against the persons or property of subjects of Her Britannic Majesty during the period between April 13, 1861, and April 9, 1865, both inclusive. The claimant, R. H. Montgomery, presented his claim to this commission, known as "the American and British Joint Claims Commission," No. 20, for sugar, molasses, and rum taken and sold by the United States in November and December, 1862, in Louisiana, amount claimed being \$67,465. It was disallowed March 26, 1873. Said commission unanimously sustained the demurrers on the part of the United States in all cases in which suit had been brought in the Court of Claims, whether still pending in that court or on appeal or previously decided, and dismissed those cases, including that of claimant Montgomery.

Not satisfied with these sundry decisions against the claim of said Montgomery, the said Montgomery and the said J. W. Burbridge & Co. seem to have "pooled their issues" and applied to Congress. Their joint claim was presented to the Forty-third Congress, and in the House of Representatives was favorably reported (see H. R. Rep. 514 and H. R. 3184). No further action was had. In the Forty-fourth Congress

they again appeared, and in the House of Representatives the report and bill of the Forty-third Congress were adopted and reported to the House, and no further action taken. In the Forty-fifth Congress they again appear and secure a favorable report in the House (see H. R. Rep. No. 246 and bill 3549). No further action was taken in that Congress. In the Forty-sixth Congress they again appear and present their bills in both the Senate and House, and on February 13, 1880, the Committee on War Claims of the House made an adverse report (see Report No. 208, Forty-sixth Congress, second session). Since the making of said report in the House the claimant, R. H. Montgomery, has filed with your committee a written brief, in which, after reviewing the case and the said adverse report, he says :

I ask for nothing but simple justice at the hands of your committee, to be allowed to go again before the Court of Claims for a rehearing upon points of law, wherein I am informed the court erred in their previous rulings.

There was also filed with your committee a written synopsis of all the facts in the case of Burbridge and Montgomery, by J. D. Perryman, their attorney, in which the facts and the law and the said House adverse report are reviewed. This brief closes as follows :

The question is purely a legal one. Had Burbridge under the laws of Louisiana a lien upon Johnson's crops for the money advanced to raise the same, and if he had, could he, as a loyal citizen, sell the same to claimant, a loyal, neutral foreigner ? It is to determine these points that the claimant asks to go before the Court of Claims, which can only be done through the intervention of Congress.

Your committee have given this case a careful and patient examination, going over the proceedings from beginning to end. Your committee find that the claimant Montgomery had a full and adequate remedy before the sequestration commission, sitting in New Orleans, the place of his residence, and within thirty-five miles by railroad of the Webster plantation where the sugars are claimed to have been raised and seized. His application was heard by the commission and the relief he then claimed was granted, and the sugars for which he was paid were sold December 5, 8, 10, and 12, 1862, while the sugars for which claim is now made were sold November 17, 18, and 19, 1862. It was not the fault of the United States or its officials that he did not present his claim for all he thought he was entitled to. He then, after having been refused relief in the War Department, appealed to the Court of Claims, which had and assumed full and complete jurisdiction over the whole case. He was then certainly in possession of all the facts now alleged. This court, after a patient hearing and thorough investigation, not only decided adversely to him, but also expressly decided against the validity of the lien or privilege of the said Burbridge & Co., upon which reliance is now placed. He then appealed his case to the Supreme Court of the United States, the final arbiter under the Constitution and laws. This highest tribunal affirmed the decision of the Court of Claims. In this decision the judge delivering the opinion says :

They might have sold their lien or the debt secured by it, and, had they done so, the sale would have involved no trading with the enemy. But they undertook to sell Johnson's property, describing it as such in the instrument of sale, and describing themselves as Johnson's agents.

It is upon the first sentence above quoted that the claimants are attempting to base their rights to the relief sought in the bill, and in doing so they wholly ignore the last sentence above quoted and the express language of the written contract. They seek in effect to have the writ-

ten contract of sale construed into a mere assignment of an alleged lien, which the Court of Claims expressly decided did not exist under the laws of Louisiana, where the contest was made, and which the Supreme Court expressly decided they did not undertake to sell by their written contract. Not only this, but they seek by special legislation to give to J. W. Burbridge & Co. rights and remedies which they never claimed or attempted to assert in any of the proceedings, until the claimant, Montgomery, was defeated at every point, and then they combine and come jointly to Congress.

Your committee find no reason in the law or the facts of this case to justify the passage of said bill, and, therefore, recommend that the said bill be indefinitely postponed, and the claim of the said Montgomery and Burbridge & Co., therein presented, be not allowed, and that this report be adopted.

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IN THE SENATE OF THE UNITED STATES.

APRIL 28, 1880.—Ordered to be printed.

Mr. HAMLIN, from the Select Committee on Nicaragua Claims, &c., submitted the following

REPORT :

[To accompany bill S. 1650.]

*The Select Committee of the Senate to inquire into the claims of citizens of the United States against the Government of Nicaragua, submit the following report :*

The resolution under which your committee were appointed, and under which they have acted, is in the following words :

*Resolved*, That a select committee of five Senators be appointed by the President of the Senate, who shall sit during the recess of Congress, to inquire into all claims of citizens of the United States against the Government of Nicaragua for indemnity for lives of relatives taken, wounds and other personal injuries inflicted, and property taken, injured, or destroyed, which have heretofore been filed in the Department of State and now remain pending and unsatisfied ; and shall ascertain and determine what amounts, and to what persons, the Government of Nicaragua is liable to make compensation on account thereof, and report the same, with the evidence in reference thereto, to Congress at its next session.

It will be seen that the resolution provides that said committee "shall ascertain and determine what amounts, and to what persons, the Government of Nicaragua is liable to make compensation on account thereof, and report the same, with the evidence in reference thereto, to Congress at its next session."

The committee have given their careful consideration to the subjects embraced within the resolution under which they have acted. The claims which have been presented to the committee as filed in the Department of State number 108, upon which an aggregate of \$6,092,000 has been claimed as justly due from the Nicaraguan Government. Of the number of claims stated, there are 48 in which no specific sum is claimed. Besides, several other claims not filed in the department before the passage of the resolution have been submitted to your committee. It is assumed by your committee, from an examination thereof, that they would probably amount in all to at least \$10,000,000.

After a careful and deliberate consideration of the whole subject, your committee have come to the conclusion that, neither in justice to the claimants, nor to themselves, nor to the respective governments, can they determine for what amount the Nicaraguan Government is justly liable to make compensation. The evidence presented to the committee is wholly of an *ex parte* character; and without any knowledge of what facts might be presented in rebuttal of any of said claims, or in diminution of the damages therein claimed, your committee do not feel prepared to



## 2 CLAIMS OF CITIZENS OF THE U. S. AGAINST NICARAGUA.

decide the amount which should justly be paid; they cannot express an opinion for which they can or should be held responsible. These claims are of long standing, of a large amount, and, in justice to the claimants, the liability of the Nicaraguan Government should be settled and determined; and, in the judgment of the committee, the only just and equitable mode of disposing of all these matters is by a joint convention, agreed to by the respective governments, before which either party can introduce evidence in support of, or in opposition to, said claims, and before which the claims of each government, or the citizens of each government against the other, can be presented, heard, tried, and determined upon principles of law and equity. Such a commission, in the opinion of your committee, should be instituted, and to aid our government promptly to accomplish such object your committee report back the bill referred to them (S. 1650) authorizing the President to make the necessary arrangements to carry into effect any convention between the United States and Nicaragua for the adjustment of claims which may be duly concluded between the two governments, with an amendment, and recommend its passage.

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IN THE SENATE OF THE UNITED STATES.

APRIL 28, 1880.—Ordered to be printed.

Mr. CALL, from the Committee on Pensions, submitted the following

REPORT :

[To accompany S. Res. 59.]

*The Committee on Pensions, to whom was referred the joint resolution (S. Res. 59) repealing part of section 4693 Revised Statutes, have examined the same, and report :*

That they are of the opinion that the repeal of the limitation in the statute will allow the presentation of cases to the Commissioner of Pensions in which there is no record evidence of the applicant's service and disability, and when time has rendered it difficult if not impossible to procure reasonable proof of the necessary fact.

They are further of opinion that the repeal of this section of the statute is unnecessary because, in meritorious cases of the class referred to, the pension can be allowed by special act of Congress. The committee, therefore, recommend that the joint resolution do not pass, and ask that it be indefinitely postponed.

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IN THE SENATE OF THE UNITED STATES.

APRIL 28, 1880.—Ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1272.]

The Committee on Pensions, having examined the provisions of Senate bill 1272, find that it proposes to increase the pensions of those who have lost an arm below the elbow, or a leg below the knee, to \$24 per month, where the amputation was so near the joint as to prevent the use of the joint.

The passage of such an act would, in the judgment of the committee, necessitate a corresponding increase in the pensions of those who had lost a limb above the same joint, and while special cases may and doubtless do exist, where equity and justice authorize an increase, such cases should be relieved by special act, as has been done in a few instances of peculiar merit.

The committee recommend the indefinite postponement of the bill.

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IN THE SENATE OF THE UNITED STATES.

APRIL 28, 1880.—Ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1586.]

The Committee on Pensions, having examined the provisions of Senate bill 1586 to regulate the fees of attorneys in pension cases, find that it authorizes a large increase in the fees allowed under existing laws, and as such increased fees are, in the judgment of the committee, detrimental to the interest of the pensioners and solely for the benefit of the pension attorneys, they report back the bill adversely and recommend its indefinite postponement.

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IN THE SENATE OF THE UNITED STATES.

APRIL 28, 1880.—Ordered to be printed.

Mr. CAMERON, of Pennsylvania, from the Committee on Naval Affairs, submitted the following

REPORT:

[To accompany bill H. R. 5628.]

*The Committee on Naval Affairs, to whom was referred the bill (H. R. 5628) relating to machinists in the Navy, having had the same under consideration, beg leave to submit the following report :*

All the facts connected with this bill will be found in the letter of the Secretary of the Navy, which is embodied in the following report of the House committee on this subject, and which your committee adopt as a part of their report :

*The Committee on Naval Affairs, to whom was referred the bill (H. R. 3821) providing for the permanence of machinists in the Navy after certain re-enlistments, beg leave to report :*

That they have had the same under consideration, and recommend the adoption of the accompanying substitute. The committee call attention to the letter of the Secretary of the Navy, as embodying their views upon the subject-matter referred to in said bill.

NAVY DEPARTMENT,  
Washington, February 19, 1880.

SIR: I have examined bill H. R. 3820, presented by you to the department for its views thereon, providing for the permanence of machinists in the United States Navy after certain enlistments.

The enlistment of machinists to do the duty of assistant engineers was determined on ten or twelve years ago. There was no statute establishing such a rate in the Navy or fixing the pay thereof. Under authority given the President by law to fix the pay of petty officers and seamen in the Navy, he fixed the pay of machinists at \$75 a month.

The system of enlisting machinists for the purpose above stated was rather an experimental one, and in its operation does not appear to have given satisfaction. The engineers in charge of machinery on board vessels in commission, and where machinists have been placed in the responsible position of standing on engine-room watch, have generally condemned the system, and many of the injuries to engines, boilers, and their dependencies have been attributed and traced to the inefficiency, inexperience, and want of knowledge on the part of the machinists. The heads of the Bureau of Steam-Engineering have all reported against the system.

The duty which has been assigned to machinists can be carried on more efficiently by responsible and educated engineer officers of the Navy, and it is better for the service that our cadet-engineers and assistant engineers should discharge this duty altogether. They can then be held directly responsible for any disasters which may occur, or any injuries which may be sustained, in the steam department, and not be able to shift the responsibility to machinists under them, as may now be the case.

A class of cadet-engineers is annually graduated from the Academy and sent at once to sea for service in the engine-room of vessels, and, after a two years' cruise, are appointed assistant engineers. From this source, and the occasional appointment of



qualified candidates from civil life, the Navy will secure all the engineer officers required for the service. There will be no actual necessity for machinists, as was the case, to some extent, when the system of enlisting them was introduced. Such subordinate assistance as may be needed in the engineer's department of vessels and stations can be performed by first-class firemen, and thus save \$522 a year for each machinist that is in the service at the present time. The pay of a machinist is \$900 a year, and that of a first-class fireman, \$378.

On the 20th of November last an order was given to suspend the enlistment or re-enlistment of machinists, and, by reason of the expiration of the terms of enlistment of those now in the service, this class of employes will, at no very distant day, be removed from the Navy.

In view of all the facts in the case and the unsatisfactory experience with the system of enlisting and employing machinists, I cannot recommend the passage of this bill, which proposes to engraft upon the Navy a permanent corps of this class.

There are among the machinists in the service many good and faithful men, who have performed their duties with zeal and with all the ability and educational advantages they possessed. It would, therefore, seem to be a harsh measure to throw them out of employment without some substantial recognition of their past services, and I would, therefore, recommend suitable legislation to provide such recognition.

Those who have received three honorable discharges and three good-conduct badges, having served three consecutive enlistments, might receive a gratuity of one year's pay, with other emoluments now allowed to enlisted men; and those who have served one and two consecutive enlistments, whose conduct entitles them to an honorable discharge on the expiration of their present enlistment, might be allowed a proportionate sum.

This benefit might be extended to those who have been discharged under like circumstances since the orders of the department suspending further enlistments. Thus they would not be thrown out of employment after long and faithful service without some means of temporary support.

If desired, a draft of a bill embracing these features can be prepared and sent to you.

Very respectfully,

R. W. THOMPSON,  
*Secretary of the Navy.*

Hon. JNO. GOODE,  
*Committee on Naval Affairs, House of Representatives.*

Your committee beg leave to report the bill back without amendment, and recommend its passage.

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IN THE SENATE OF THE UNITED STATES.

APRIL 28, 1880.—Ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1535.]

The Committee on Pensions, to whom was referred the bill (S. 1535) granting an increase of pension to Rebecca E. Haskin, widow of Joseph A. Haskin, late lieutenant-colonel First Regiment Artillery, United States Army, find, that while serving in Mexico as first lieutenant the officer lost an arm; that he remained in service during the late war, and since died of consumption; that the claimant receives a pension of \$20 per month, being the sum allowed by law for the widow of a first lieutenant, which was the rank of her husband at the time the injury was received in the war with Mexico. The claimant, however, asks that the pension allowed by law for the widow of a lieutenant-colonel be given her, on the ground that the disease of which the officer died originated in the service during the war of the rebellion while he held the rank of lieutenant-colonel of artillery, and had no connection with the loss of the arm in Mexico. The application for an increase was denied by the bureau on the ground that "the claimant is in receipt of all pension she is entitled to under the provisions of the general pension laws."

The evidence of Army surgeons and several officers of the Army is on file to sustain the claim. It is established by medical evidence that the officer during the late war performed arduous and valuable service; that he was exposed to hardship and privations, which developed tubercle in the lungs, which softened and ultimately caused his death. The various phases of the disease appear to have been satisfactorily traced by the evidence of competent medical men. The existence of crude tubercle, the subsequent softening of these deposits caused by exposure, fatigue, and privation, and the progressive increase of the disease terminating in death. The committee, being of opinion that the disease of which the officer died was contracted in the service and in the line of duty during the war of the rebellion, and while he held the rank of lieutenant-colonel, recommend the passage of the bill granting an increase of pension.





IN THE SENATE OF THE UNITED STATES.

APRIL 28, 1880.—Ordered to be printed.

Mr. BUTLER, from the Committee on Territories, submitted the following

REPORT:

[To accompany bill H. R. 5203.]

*The Committee on Territories, to whom was referred the bill H. R. 5203, having had the same under consideration, submit the following report:*

The report from the Committee on the Territories of the House, accompanying said bill, is as follows:

Mr. BOUCK, from the Committee on the Territories, submitted the following report:

*The Committee on the Territories, to whom was referred the bill (H. R. 5203) providing for the reapportionment of the members of the legislatures in the Territories of Montana, Idaho, and Wyoming, submit the following report:*

An act of Congress approved June 19, 1879, reduced the number of the members of the Territorial legislatures, and it also provided that the legislatures of the Territories at their next session redistrict their respective Territories.

This the legislatures of the Territories named in this bill failed to do. In said Territories there cannot be a lawful election of members of the legislature or a lawful legislature unless the said law, so far as it changes the number of the members of the Territorial legislatures, is repealed and the old law re-enacted as to said Territories, or the passage of an enabling act by Congress.

The time fixed by law for the next election of members in said Territories is in the month of November next.

This bill provides that the governor and the speaker of the house of representatives and the president of the council during the last session of the legislatures in the Territories named in said bill, shall constitute a "board of apportionment" in their respective Territories to redistrict the same, such redistricting to be upon the basis of the population as shown by the census of 1880.

The bill further provides that the legislatures elected under such redistricting shall have authority to alter or amend such apportionment so made under this bill, and that at any time thereafter the legislatures of said Territories may reapportion their respective Territories in accordance with the population.

The committee are of the opinion that a new apportionment in said Territories is an absolute necessity, and that the same must be had before there can be a lawful election for members or a lawful legislature in either of said Territories, and that the mode provided by this bill for making such apportionment is not only convenient and economical, but fair and just to all persons and interests.

The committee, therefore, recommend the passage of the bill.

Attention is called to the necessity of the passage of this bill at the present session of Congress, because the time fixed by law for the election of members of the legislature in said Territories is in the month of November next.

As this report explains the necessity for the passage of the bill at this session of Congress, your committee adopt the same and recommend the passage of the bill.



IN THE SENATE OF THE UNITED STATES.

APRIL 28, 1880.—Ordered to be printed.

Mr. DAVIS, of West Virginia, from the Select Committee to Investigate the Finance Reports, Books, and Accounts of the Treasury Department, submitted the following

REPORT:

The original resolution under which your committee was organized was adopted by the Senate at the first session of the Forty-fifth Congress and was as follows:

IN THE SENATE OF THE UNITED STATES,  
November 19, 1877.

*Resolved*, That a committee of five be appointed by the Chair to investigate the Finance Reports, books, and accounts of the Treasury Department, particularly with reference to differences, discrepancies, and alterations in amounts and figures that have been made in them, if any such there be, especially in the annual statements of the expenditures of the government, revenue collected, and the public debt contained in said reports; and if any such differences, discrepancies, and alterations be found to exist, to report the same and the extent and nature thereof, the years wherein they occur, by what authority made, if any, the reasons that induced them, and to report generally such other and further information bearing upon the subject as to them may seem best; and that said committee have power to send for persons and papers, to take testimony, to employ a stenographer and two clerks, and leave to sit during the session of the Senate; and that the expenses attending this investigation shall be paid out of the contingent fund of the Senate, upon vouchers approved by the committee; and said committee shall not be dissolved by the expiration of the present session of the Senate, but shall exist until it shall make its report or shall be discharged.

Under this resolution Senators Davis of West Virginia, Beck, Allison, Ingalls, and Cameron of Pennsylvania, were appointed the committee to make the investigation. The committee, not having concluded its labors during the Forty-fifth Congress, was continued by the Senate, with the same powers, at the first session of the Forty-sixth Congress, March 19, 1879, and Senators Whyte and Dawes were substituted for Senators Allison and Cameron, so that the committee as reconstituted consists of Senators Davis, Beck, Whyte, Ingalls, and Dawes.

CHANGES AND ALTERATIONS IN THE FINANCE REPORTS, BOOKS, &C.

The attention of the Senate was first called to the changes and alterations in the Finance Reports, books, and accounts of the Treasury Department, which form the subject of this investigation, by the chairman of this committee, both by resolution and by speech in the Senate, in the month of January, 1876. He then asked for the appointment of a select committee to examine the matter. This the Senate, at that time, was disinclined to grant, and instead, referred the resolution to the standing Committee on Finance, which, after consulting the then Secretary of the Treasury, embodied his letter of explanation as its report

in the main, which was submitted and ordered to be printed; no further or other action being taken during that (the Forty-fourth) Congress. On the assembling of the Forty-fifth Congress, the resolution for a special committee of investigation was renewed by its original mover and adopted by the Senate.

The purpose of allowing the employment by this committee of two clerks was to enable them to obtain the services of competent accountants. One of those so employed, and who has been thus engaged since the committee began its investigations, is Mr. William Woodville. He testified (see testimony, page 43) that he had made a complete examination in the Congressional Record of the several speeches made by the chairman in the Senate, and compared them carefully with the Finance Reports of the Treasury Department, and the result of his examination in part is here inserted, with the decision of the committee as to its admissibility as evidence when so offered before the committee (see testimony, pp. 48 to 61):

The committee admit the statement, the figures and tables therein contained, taken from the speeches of Mr. Davis in the Senate, as reported in the Congressional Record, having been by the witness Woodville carefully compared with the official Finance Reports to Congress, for the years named therein, and found by him to be accurately stated from these Finance Reports, with the exception of the footings and such corrections as he has therein named, which will be found at the end of the statement; but the remarks in these speeches of Mr. Davis himself in connection with these figures, and his inferences drawn from them, are no part of the testimony of the witness. The footings themselves were found to be correct as footings. The witness having gone through the processes of addition and subtraction as to said footings as therein put down, found them to be correct so far as addition and subtraction were concerned, without expressing or being called upon to express any opinion in reference to them.

#### FOR YEAR 1864.

Report for 1866 states net revenue collected.....	\$264,626,771 60
Report for 1870 states net revenue collected.....	262,742,354 32
Showing a decrease of .....	1,884,417 28

#### FOR YEAR 1865.

Report for 1866 states net revenue collected.....	\$333,714,605 08
Report for 1870 states net revenue collected.....	323,092,785 92
Showing a decrease of .....	10,621,819 16

#### *Annual expenditures as shown by reports of 1869 and 1870.*

Years.	Total annual expenditures as stated in Finance Report for—		Increase in report of 1870 over 1869.	Decrease in report of 1870 over 1869.
	1869 and previous reports.	1870 and subsequent reports.		
1860-'61 .....	\$85,387,313 08	\$85,387,363 08	\$50 00	.....
1861-'62 .....	570,841,700 25	565,667,358 08	.....	\$5,174,342 17
1862-'63 .....	895,796,620 65	899,815,911 25	4,019,290 60	.....
1863-'64 .....	1,298,144,656 00	1,295,541,114 86	.....	2,603,541 14
1864-'65 .....	1,897,674,224 09	1,906,433,331 37	8,759,107 28	.....
1865-'66 .....	1,141,072,696 09	1,139,344,081 95	.....	1,728,584 14
Total .....	5,888,917,190 16	5,892,189,160 50	12,778,437 88	9,506,467 45
Difference or increase .....	.....	.....	3,271,970 43	.....

*Annual expenditures as shown by reports, &c.—Continued.*

Year.	Public debt, as stated in the Finance Report for—		Increase.	Decrease.
	1871 and subsequent reports.	1870 and previous reports.		
1862.....	\$524, 176, 412 13	\$514, 211, 371 92	\$9, 965, 040 21	.....
1863.....	1, 119, 772, 138 63	1, 098, 783, 181 37	20, 978, 957 26	.....
1864.....	1, 815, 784, 370 57	1, 740, 694, 489 49	75, 093, 881 08	.....
1865.....	2, 680, 047, 869 74	2, 682, 503, 026 53	.....	\$1, 945, 156 79
1866.....	2, 773, 336, 173 69	2, 783, 425, 879 21	.....	10, 189, 705 52
1867.....	2, 678, 126, 103 87	2, 692, 199, 215 12	.....	14, 013, 111 25
1868.....	2, 611, 687, 851 19	2, 636, 320, 964 67	.....	24, 633, 113 48
1869.....	2, 588, 452, 213 94	2, 489, 002, 480 58	99, 449, 733 36	.....
1870.....	2, 480, 672, 427 81	2, 386, 358, 599 74	94, 313, 828 07	.....
Total.....	19, 272, 555, 561 57	19, 023, 595, 208 63	299, 801, 439 98	50, 841, 087 04
Total difference or increase.....	.....	.....	248, 960, 352 94	.....

Secretary's table, Finance Report for 1875.....	\$142, 540, 493 44	.....
Increase.....	.....	\$13, 554, 419 89
Letter of Commissioner of Pensions, July 25, 1876.....	129, 391, 228 38	.....
Decrease.....	.....	405, 154 83
Difference of increase in Secretary's table.....	13, 149, 265 06	13, 149, 265 06

*Pension expenditures.*

Year.	Report for 1869.	Report for 1870.	Increase.
1846.....	\$1, 809, 739 62	\$1, 811, 097 56	\$1, 357 94
1849.....	183, 695 87	1, 324, 867 64	1, 135, 171 77
1859.....	161, 190 66	1, 222, 222 71	1, 061, 032 05
Total increase.....	.....	.....	2, 197, 561 76

*War expenditures.*

Year.	Report for 1869.	Report for 1871.	Increase.
1844.....	\$5, 192, 445 05	\$5, 218, 183 66	\$25, 738 61
1846.....	10, 362, 374 86	10, 413, 370 18	50, 995 82
1847.....	35, 776, 495 72	35, 840, 030 33	63, 534 61
1860.....	14, 472, 202 72	16, 472, 202 72	2, 000, 000 00
Total increase.....	.....	.....	2, 140, 269 04

*Expenditures in Indian Bureau.*

Year.	Report for 1869.	Report for 1871.	Increase.
1848.....	\$1, 103, 251 78	\$1, 252, 296 81	\$149, 045 03
1849.....	509, 263 25	1, 374, 161 55	864, 898 30
1854.....	1, 413, 995 08	1, 550, 339 55	136, 344 47
1855.....	2, 708, 347 71	2, 772, 990 78	64, 643 07
1856.....	2, 596, 465 92	2, 644, 263 97	47, 798 05
1857.....	4, 241, 028 60	4, 355, 683 64	114, 655 04
1862.....	2, 223, 402 27	2, 327, 948 37	104, 546 10
1864.....	2, 538, 297 80	2, 629, 975 97	91, 678 17
1865.....	4, 966, 964 90	5, 059, 380 71	92, 395 81
1868.....	3, 247, 064 56	3, 295, 729 82	48, 664 76
Total increase.....	.....	.....	1, 614, 668 80



*Statement showing total receipts as stated for the same year.*

Year.	Report for 1869.	Report for 1871.	Decrease.
1837 .....	\$27,947,142 19	\$27,893,853 84	\$53,288 35
1840 .....	25,069,662 84	25,032,193 50	37,469 34
1847 .....	55,401,804 58	55,338,168 52	63,636 06
1848 .....	57,006,889 65	56,992,479 21	14,410 44
1850 .....	47,669,766 75	47,649,388 88	20,377 87
1853 .....	61,803,404 58	61,500,102 81	303,301 77
1859 .....	81,773,965 64	81,758,557 30	15,408 34
Total decrease .....			517,892 17

*Miscellaneous receipts.*

Year.	Report for 1869.	Report for 1871.	Decrease.
1837 .....	\$5,625,479 15	\$5,562,190 80	\$63,288 35
1848 .....	627,021 13	577,775 99	49,245 14

## PUBLIC DEBT.

The annual statement of the public debt from 1835 to 1871, as appears in the Finance Reports for 1869 and previous reports, and 1871 and subsequent reports, shows the difference in each year and the total difference between the two reports (see pages 12 and 368, Finance Report for 1871, and page 317, Finance Report for 1869):

Year.	Reports of 1869 and previous years.	Reports of 1871 and subsequent years.	Increase in report of 1871 over 1869.	Decrease.
1835 .....	\$351,289 05	\$37,513 05		\$313,776 00
1836 .....	291,089 05	338,957 83	\$45,868 78	
1837 .....	1,878,223 55	3,308,124 07	1,429,900 52	
1838 .....	4,857,660 46	10,434,221 14	5,576,560 68	
1839 .....	11,983,737 53	3,573,343 82		8,410,393 71
1840 .....	5,125,077 63	5,250,875 54	125,797 91	
1841 .....	6,737,398 00	13,594,480 73	6,857,082 73	
1842 .....	15,028,486 37	20,601,226 28	5,572,739 91	
1843 .....	27,203,450 69	32,742,922 00	5,539,471 31	
1844 .....	24,748,188 23	23,461,652 50		1,286,535 73
1845 .....	17,083,794 80	15,925,303 01		1,168,491 79
1846 .....	16,750,926 33	15,550,202 97		*1,200,723 36
1847 .....	38,956,623 38	39,826,534 77		130,088 61
1848 .....	48,526,379 37	47,044,862 23		1,481,517 14
1849 .....	64,704,693 71	63,061,858 69		1,642,835 02
1850 .....	64,228,238 37	63,452,773 55		775,464 82
1851 .....	62,560,395 26	68,304,796 02	5,744,400 76	
1852 .....	65,131,692 13	66,199,341 71	1,067,649 58	
1853 .....	67,340,628 78	59,803,117 70		7,537,511 08
1854 .....	47,242,206 05	42,242,222 42		4,999,983 63
1855 .....	39,969,731 05	35,586,956 56		4,382,774 49
1856 .....	30,963,909 64	31,972,537 90	1,008,628 26	
1857 .....	29,060,386 90	28,699,831 85		360,555 05
1858 .....	44,410,777 66	44,911,881 03	1,103 37	
1859 .....	58,754,699 33	58,496,837 88		257,861 45
1860 .....	64,789,703 08	64,842,287 88	72,584 80	
1861 .....	90,867,828 68	90,580,873 72		286,954 96
1862 .....	514,211,371 92	524,176,412 13	†9,965,940 21	
1863 .....	1,098,793,181 37	1,119,772,138 63	20,978,957 26	
1864 .....	1,740,690,489 49	1,815,784,370 57	75,093,881 68	
1865 .....	2,682,593,026 53	2,680,647,869 74		1,945,156 79
1866 .....	2,783,425,879 21	2,773,236,173 69		10,189,705 52
1867 .....	2,692,199,215 12	2,678,126,103 87		14,073,111 25
1868 .....	2,636,320,964 67	2,611,687,851 19		24,633,113 48
1869 .....	2,489,002,480 58	2,568,452,213 94	99,449,733 36	
1870 .....	2,396,358,599 74	2,480,672,427 81	94,313,828 07	
Total .....	\$19,973,622,423 71	20,221,399,098 42	332,843,228 59	85,076,553 88
		19,973,622,423 71	85,076,553 88	
Total increase .....		247,766,674 71	247,766,674 71	

And the increased figures appear in *all* Finance Reports since 1871.

\* Should be \$1,200,723.36; difference, \$0.03; typographical error.

† Should be \$9,965,040.21; difference, \$900; typographical error.

‡ Should be \$75,093,881.08; difference, \$0.00; typographical error.

§ Should be \$19,973,632,423.71; difference, \$10,000; typographical error.

## LOANS AND TREASURY NOTES.

Under this head I call the attention of the Senate to the great difference in the Finance Reports as to what they were for the year 1863. They are stated differently in four annual reports, as follows :

In the report of 1863.....	\$756,489,905 57
In the report of 1864.....	776,682,361 57
In the report of 1870.....	814,925,494 96
In the report of 1876.....	717,284,707 01

## EXPENDITURES.

The various Finance Reports differ widely as to the annual expenditures of the government, as the following table will show :

Year.	Total annual expenditures as stated in financial report for—		Increase in report of 1870 over 1869.	Decrease in report of 1870 over 1869.
	1869 and previous reports (pp. 320, 321).	1870 and subsequent reports (pp. 274, 275).		
1860-'61.....	\$85,387,312 08	\$85,387,363 08	\$50 00	
1861-'62.....	570,841,700 25	565,667,358 08		\$5,174,342 17
1862-'63.....	885,796,630 65	899,815,911 25	4,019,280 60	
1863-'64.....	1,298,144,656 00	1,295,541,114 86		2,603,541 14
1864-'65.....	1,897,674,224 09	1,906,433,331 37	8,759,107 28	
1865-'66.....	1,141,072,666 09	1,139,344,081 95		1,728,584 14
Total.....	5,888,917,190 16	5,892,189,160 59	12,778,437 88	9,506,467 45
Difference or increase.....			3,271,970 43	

*Increase in expenditures in report of 1871 as compared with report of 1869.*

Year.	Military service.	Pensions.	Indians.	Naval establishment.	Total.
1860.....	\$2,000,000 00				
1862.....			\$104,546 10		
1863.....	4,015,810 99		2,075,706 35	\$50,130 04	
1864.....		\$5,840 73	91,678 17		
1865.....		7,056,010 86	92,395 81	49,657 95	
1866.....		197 53	48,664 76		
Total.....	6,015,810 99	7,061,949 12	2,412,991 19	99,787 99	
<b>Increase:</b>					
Military service.....					\$6,015,810 99
Pensions.....					7,061,949 12
Indians.....					2,412,991 19
Naval establishment.....					99,787 99
Total.....					15,590,529 29

Thus it will be seen that Mr. Woodville, after careful and methodical examination, testified that he found all the statements relative to the discrepancies in the reports of the Treasury Department for the various years, made by the chairman in his several speeches, correct, with the exception of the slight errors specifically mentioned.

## POWERS AND FUNCTIONS OF THE VARIOUS BRANCHES OF THE TREASURY DEPARTMENT.

The investigation ordered to be made by this committee necessarily involved a consideration of the respective powers and functions of the various branches of the Treasury Department which deal with public

moneys, securities, and accounts. On the original organization of the department the office of Register of the Treasury was established, and the duties of that office have remained practically the same, by law, to the present time. They are thus defined, so far as the matters referred to this committee are concerned, by the present Register, Glenni W. Scofield (see testimony, page 1):

The Register of the Treasury has charge of the great account-books of the United States, which show every receipt and disbursement, and from which statements are annually made for transmission to Congress. He signs and issues all bonds, Treasury notes, and other securities; registers all warrants drawn by the Secretary upon the Treasurer; transmits statements of balances due to individuals after their settlement by the First Comptroller, on which payment is made.

*Receipts and Expenditures Division.*—The ledgers of the United States are kept, showing the civil, diplomatic, internal-revenue, miscellaneous, and public-debt receipts and expenditures; also, statements of the warrants and drafts registered.

The Register also makes a tabulated statement of the principal of the public debt.

The duties of this office are thus defined by section 313, chapter 6, of the Revised Statutes of the United States:

Section 313. It shall be the duty of the Register—

First. To keep all accounts of the receipts and expenditures of the public money and of all debts due to or from the United States.

Second. To receive from the First Comptroller and Commissioner of Customs the accounts which shall have been finally adjusted, and preserve such accounts with their vouchers and certificates.

Third. To record all warrants for the receipt or payment of moneys at the Treasury and certify the same thereon, except those drawn by the Postmaster-General and those drawn by the Secretary of the Treasury upon the requisitions of the Secretaries of the War and Navy Departments.

It is apparent on the face of the law and from the statements of Mr. Scofield that the Register is the official bookkeeper of the government, and has been from its organization, and that no money can lawfully be paid into or out of the Treasury unless by warrants which must be registered and finally deposited in his office.

#### CHANGES AND ALTERATIONS IN THE PUBLIC DEBT STATEMENT.

The changes and alterations as to the public debt statement inquired into appear by comparison of the Finance Reports for 1870 and 1871, respectively. On this point Mr. Register Scofield testifies (see page 2 of the testimony):

By the CHAIRMAN:

Q. I hand you the Finance Report for 1870 and call your attention to page 276, and also the Finance Report for 1871 and call your attention to page 368, and ask whether those tabulated statements of the public debt were made in the Register's office?—A. They purport to have been so made, and I have no doubt they were.

Q. And were officially reported to Congress?—A. Yes, sir.

Q. Do they agree as to the amount of the public debt?—A. They do not for some of the years. From 1833 down to 1870, inclusive, I believe, they differ. The tables themselves will show the differences. Prior to 1833 they agree.

Q. Do all the years differ between 1833 and 1870?—A. I think they do.

Q. Can you state why the tables made by the Register in 1870 and 1871 differ so largely with each other?—A. In 1870 a tabulated statement of the public debt was made in the Secretary's office, as well as in the Register's. For the years 1833 to 1870, inclusive, these two tables disagreed very widely in the amount of the debt. They were bound in the same volume, and attention was attracted to the differences. The Register, in his report of 1871, adopted, by direction of Mr. Saville, chief clerk, the statement made in the Secretary's office for the disagreeing years. And thus occur the disagreements in the Register's statements for 1870 and 1871.

In this way the statements of the public debt for each year from 1833 to 1870, both inclusive, as reported officially by the Register and Secretary of the Treasury, in those various years, and embodied in the Finance Reports submitted to Congress and published by its authority, do not agree with the statements of the public debt for the same years as reported since 1871, in the same official manner. These differences involve many millions of dollars and extend over a period of 37 years. The great changes in these statements were made, not by the then incumbent of the office of Register of his own volition, but under the written direction of an officer of the Treasury representing and speaking for the head of that department.

Mr. Scofield (see testimony, pp. 3 and 4) was asked the following questions and made answer, viz :

Q. When does your fiscal year close ?—A. June 30, now.

Q. When do you make this statement to Congress ?—A. It is usually made in October, I think.

Q. Four or five months intervene between the time the fiscal year closes and the time when these statements are made ?—A. Yes.

Assistant Register Titcomb agrees with and corroborates this statement (see testimony, pp. 19 and 20).

By the CHAIRMAN :

Q. When does the fiscal year of the government end ?—A. It ends on the 30th day of June.

Q. When are the reports made to Congress ?—A. The report is made upon the reassembling of Congress at its next session following the close of the fiscal year.

Q. How many months are there between the close of the fiscal year and the completing of the reports to Congress ?—A. About five months.

Q. Do you know whether the Secretary's Finance Report for the present year is yet in print ?—A. It is in print. I hardly think it is out of the hands of the binder, as I have not received any copy, but I have no doubt you can get one if you desire it, without waiting for its being bound.

Q. There are five months, in round numbers, between the closing of the fiscal year and the reporting to Congress of any account. Are those five months generally used for the purpose of getting up the accounts and seeing whether there are errors, and getting in statements ?—A. The accounts are not settled and allowed until some time after the close of the fiscal year. That time is spent in the settlement of the accounts to a considerable extent. The Register is required by the Secretary to have his report ready by the first of November for the printer. There the interval is only four months.

Also, former chief of Warrant Division, Major Power (see testimony, p. 72):

Q. When are your reports made to Congress ?—A. The Secretary's reports are placed before Congress at the first of the session, the first Monday in December.

Q. When does your fiscal year end ?—A. On the 30th of June.

Q. How many months are there between the end of the fiscal year and the submission of the report to Congress ?—A. Five months.

Mr. Saville, in his testimony, page 218, confirms the above, and says sixty days after the fiscal year closes is time enough to have all the moneys deposited covered in.

The fiscal year ending on the 30th of June, and the reports of the fiscal operations of the government not being made to Congress till about the first of December, an interval of several months is available, during which time the accounts outstanding at the close of the fiscal year may come in and be adjusted, and it is understood that this interval has been made use of for the purpose of bringing together the various accounts; and surely, when the condition of the Treasury at the close of a fiscal year has been reported to Congress at its ensuing session in December, the reports thus made, after abundant opportunity to insure their absolute correctness, should not be altered.

## REGISTER ORDERED TO MAKE THE CHANGES.

The circumstances under which the changes in the public-debt statement, before referred to, were made, are thus stated by Mr. Register Scofield (see testimony, p. 5):

Q. You speak of an order from the Secretary to the then Register, who, I believe, was Mr. Allison, to make the changes you have referred to in this debt statement. Will you give the committee that order?—A. Yes, sir; this is the original order, and I will hand you a copy.

Q. Read us the original.—A. I will.

“TREASURY DEPARTMENT,  
“November 24, 1871.

“SIR: I have to request that the statement of the public debt on the 1st day of January in each of the years from 1791 to 1842, inclusive, and at various dates in subsequent years, to July 1, 1870, as printed on page 276 of the Finance Report for 1870, may be omitted from your tables in the forthcoming reports, or else that it be corrected to conform to Table H on page xxv of the same report for the same year.

“This request is made in consequence of a letter from the Assistant Secretary of the Treasury, now in London, who complains that these different tables are frequently referred to in England, and the discrepancies between them constantly and unfavorably commented upon.

“The table found on page xxv is, I believe, as nearly correct as the examination of the accounts up to the present time will enable it to be made, though I am under the impression there will be some changes necessary in order to make it absolutely reliable.

“Very respectfully,

“J. H. SAVILLE,  
“Chief Clerk.

“Hon. JOHN ALLISON,  
“Register of the Treasury.”

This letter is indorsed “Secretary of the Treasury; chief clerk; 24,171. Asks statement of the public debt may be made to correspond with statement made in Secretary’s office. Memorandum. As published for the fiscal year ending June 30, 1871, the statement is the same as the Secretary’s.”

I believe that indorsement is in Mr. Allison’s handwriting. Now if you will take the report made by the Secretary’s office in 1871, and that made by the Register in 1871, in accordance with that order, you will find that they are alike, and they have continued from that time to this to be alike or very nearly alike. I think there is a few hundred dollars discrepancy this year, and was last year.

Q. That is, the Register’s report to Congress after 1870 was made in accordance with directions from the Secretary’s office?—A. Yes, sir; I understand that the Register made no changes in his books, but adopted the report made by the Secretary down to that date.

Assistant Register Titcomb thus speaks of the matter (see testimony, p. 13):

Q. Were the changes made by the Register willingly, or do you know whether they were under protest?—A. The changes, as they affected the statements of former years, were, as I understand, protested against. I hardly know that I should state that there was a protest. It was, in the judgment of the late Register, unnecessary to make the changes. I know that Mr. Allison expressed the opinion officially to the Secretary that, in his judgment, it was not advisable to make any change in regard to the statements of former years under former administrations.

By Mr. ALLISON:

Q. Was this official advice of the Register to the Secretary in writing, do you remember, or was it simply an oral or verbal statement to you?—A. It was a verbal statement.

Q. In your presence?—A. Yes, sir.

Maj. J. T. Power, who was in the Register’s office from 1869 to 1875, and is now Chief Clerk of the Treasury Department, and formerly was

Chief of the Division of Warrants, Estimates, and Appropriations, gives this account of the same matter (see testimony, p. 65):

Q. Do you know whether a letter was sent from the Secretary's office to the Register in 1870 directing the Register to change or alter the public debt statement?—A. I remember such a letter. It came to the Register and was by him handed to me, and I passed it to the chief of the division in charge of the statements referred to in the letter.

Q. Do you know whether the Register thought it or not a proper thing to do to carry out the instructions of the letter?—A. The Register objected very strongly to the change suggested in the letter, and my recollection is that he presented his objections to the Secretary.

Q. In person or writing?—A. In person.

Q. Do you recollect the result of the objections?—A. I only know what Mr. Allison, the Register, stated as the result at the time.

Q. Now tell us what Mr. Allison stated to you at the time as having taken place between him and the Secretary.—A. My recollection is that about this time the subject of the change in the manner of stating these accounts was before the department, and whether immediately before or after the receipt of this order Mr. Allison communicated to me the fact that he had had an interview with the Secretary, and had given his views that these changes should not be made.

Mr. DAWES. I object to any statement by the witness of what Mr. Allison told him as having transpired between Mr. Allison and the Secretary.

The letter of November 24, 1871, produced by Register Scofield, is an official order of the Secretary of the Treasury, through the Chief Clerk, to Register Allison, to make certain changes or else omit from his next official report to Congress the tabular statement of the public debt which had been regularly made by the Register and officially reported to Congress annually by him from the very foundation of the government. The then Register, Mr. John Allison, obeyed the order of the Secretary, as is established by the citations already made from the testimony of Messrs. Scofield, Titcomb, and Power.

During the examination of Register Scofield, the following questions were asked and answers given (see testimony, p. 9):

By Mr. BECK:

Q. The Constitution of the United States, in the 7th clause of section 9, article I, provides that "no money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time"; and section 313 of the Revised Statutes of the United States makes it the duty of the Register "to keep all accounts of the receipts and expenditures of the public money, and of all debts due to or from the United States." Now please state by what authority, if any, the Secretary or his chief clerk, or anybody else, could direct the Register either to change his reports or conform them to any view that the Secretary or any one else might have as to the proper mode of keeping and publishing them.—A. I suppose the Secretary has authority to prescribe the manner in which the accounts shall be kept, but I do not suppose that any Secretary has the right to alter the books of the Treasury, and I have always understood that that was never done.

Q. Admitting that the Secretary had the right to prescribe rules for the future action of the Register, had he any sort of authority to give orders as to how past events should be stated, or past reports changed after they had been published and submitted to Congress under the constitutional requirement?—A. I think that would be a question which your committee ought to answer in your report.

By the CHAIRMAN:

Q. Are you not as Register the official bookkeeper of the government, and final custodian of all warrants and vouchers, whatever may have been paid for any expenditure or receipt of the government?—A. Yes, sir.

Q. Can any money be received into or paid out of the Treasury without a warrant going through your office?—A. Moneys are received into the Treasury by warrants and paid out on warrants, which by the act of 1789, Rev. Stat., sec. 305, must be drawn by the Secretary, countersigned by the Comptroller, and registered by the Register.

Q. I ask the general question whether any money can be paid out or received into the Treasury without the warrant going through your office?—A. It cannot.

Q. You keep all accounts of the government, do you not, where money, or bonds, or anything which relates to the financial condition of the government is concerned?—A. Yes, sir.

Q. When was the Register's office established?—A. At the beginning of the government, by the act of 1789.

Q. When was the Secretary's office as a warrant division established?—A. The Secretary always issued the warrants, but I think the warrant division as it now exists is of recent origin.

Q. Can you give us the time?—A. I cannot without looking it up; I think about 1870.

The Constitution, Art. 1, sec. 9, clause 7, provides that "no money shall be drawn from the Treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time," and it is by law the duty of the register to keep all accounts of receipts and expenditures of public money and of all debts due to or from the United States. In view of these provisions, surely the Secretary of the Treasury has no right to order the Register to change his reports after they have been officially made to Congress by former Registers and Secretaries.

#### REGISTER THE OFFICIAL BOOKKEEPER OF THE GOVERNMENT.

The Register is the official bookkeeper of the government, and no money can lawfully go into or out of the Treasury unless upon warrants passing through the Register's office, and yet a Secretary of the Treasury ordered the Register to change his official statements to Congress and enforced the order against the protest of the Register, the changes involving many millions of dollars and covering a long series of years. The Register's duty to make full and truthful official statements is as old as the government, while statements from the office of the Secretary in this regard were never issued until 1870, the bureau taking charge of that subject not having been actually established till a comparatively recent period, and not having been recognized by law till 1875, by what is known as the Kellogg amendment to an appropriation bill, March 3, 1875.

#### DIFFERENCES IN SECRETARY'S AND REGISTER'S STATEMENT OF THE PUBLIC DEBT.

The differences in the respective statements are shown by the following table, which, with the testimony of Mr. Woodville explaining it, is here inserted (see testimony, pp. 11 and 12):

\* \* \* \* \*

By the CHAIRMAN:

Q. Give the heading of Statement F.—A. "Statement of the public debt."  
The statements referred to by Mr. Woodville are as follows:

## THE TREASURY DEPARTMENT.

XI

## STATEMENT F.—PREPARED BY SENATE COMMITTEE ON TREASURY ACCOUNTS.

*Secretary's and Register's tabulated statements of the public debt for the fiscal years 1833 to 1870, inclusive.*

Copied from the Finance Reports of 1870 and 1871.

Year.	Secretary's statement, Finance Report, 1870, page xxv.	Register's statement, Finance Report, 1870, page 276.	Secretary's compared with Register's.		Register's statement, Finance Report, 1871, page 368.	Year.
			Increase.	Decrease.		
1833.....	\$7,001,696 83	\$7,001,033 86	\$665 95		\$7,001,696 83	1833
1834.....	4,760,082 08	4,760,081 08	1 00		4,760,082 08	1834
1835.....	37,513 05	351,289 05		\$313,776 00	37,513 05	1835
1836.....	236,937 83	291,089 05	45,868 78		236,937 83	1836
1837.....	3,308,124 07	1,878,223 55	1,429,900 52		3,308,124 07	1837
1838.....	10,434,221 14	4,857,660 46	5,576,560 68		10,434,221 14	1838
1839.....	2,573,343 82	11,983,737 53		8,410,393 71	2,573,343 82	1839
1840.....	5,250,875 54	5,125,077 63	125,797 91		5,250,875 54	1840
1841.....	13,594,480 73	6,737,398 00	6,857,082 73		13,594,480 73	1841
1842.....	20,601,226 28	15,028,486 87	5,572,739 91		20,601,226 28	1842
1843.....	32,742,922 00	27,208,430 69	5,538,471 31		32,742,922 00	1843
1844.....	23,461,652 50	24,748,188 23		1,286,535 73	23,461,652 50	1844
1845.....	15,925,303 01	17,025,794 80		1,100,491 79	15,925,303 01	1845
1846.....	15,550,202 97	16,750,926 33		1,200,723 36	15,550,202 97	1846
1847.....	38,826,534 77	38,956,623 38		130,088 61	38,826,534 77	1847
1848.....	47,044,862 23	48,528,379 37		1,483,517 14	47,044,862 23	1848
1849.....	63,061,858 69	64,704,693 71		1,642,835 02	63,061,858 69	1849
1850.....	63,452,773 55	64,228,238 37		775,464 82	63,452,773 55	1850
1851.....	68,304,796 02	62,569,395 26	5,744,400 76		68,304,796 02	1851
1852.....	66,199,341 71	65,131,662 13	1,067,649 58		66,199,341 71	1852
1853.....	59,803,117 70	67,346,628 78		7,537,511 08	59,803,117 70	1853
1854.....	42,242,222 42	47,242,206 05		4,999,983 63	42,242,222 42	1854
1855.....	35,586,956 56	39,969,731 05		4,382,774 49	35,586,956 56	1855
1856.....	31,972,537 80	30,963,909 64	1,008,628 26		31,972,537 80	1856
1857.....	28,699,831 85	29,060,386 90		360,555 05	28,699,831 85	1857
1858.....	44,911,881 03	44,910,777 66	1,103 37		44,911,881 03	1858
1859.....	58,496,837 88	58,754,696 33		257,861 45	58,496,837 88	1859
1860.....	64,842,287 88	64,769,703 08	72,584 80		64,842,287 88	1860
1861.....	90,580,873 72	90,667,828 68		286,954 96	90,580,873 72	1861
1862.....	524,176,412 13	514,211,371 92	9,965,040 21		524,176,412 13	1862
1863.....	1,119,772,138 63	1,098,793,181 37	20,978,957 26		1,119,772,138 63	1863
1864.....	1,815,784,370 57	1,740,690,489 49	75,093,881 08		1,815,784,370 57	1864
1865.....	2,680,647,869 74	2,682,593,026 53		1,944,156 79	2,680,647,869 74	1865
1866.....	2,773,236,173 69	2,783,425,879 21		10,189,705 52	2,773,236,173 69	1866
1867.....	2,678,126,103 87	2,692,199,215 12		14,073,111 25	2,678,126,103 87	1867
1868.....	2,611,687,851 19	2,636,320,964 67		24,633,113 48	2,611,687,851 19	1868
1869.....	2,588,452,213 94	2,489,002,480 58	99,449,733 36		2,588,452,213 94	1869
1870.....	2,480,672,427 81	2,386,358,599 74	94,313,828 07		2,480,672,427 81	1870
Total.....	20,233,160,879 33	19,985,393,537 67	332,843,895 54	85,076,553 88	20,233,160,879 33	
	19,983,393,537 67		85,076,553 88		19,983,393,537 67	
Difference.....	247,767,341 66		247,767,341 66		247,767,341 66	
Difference, or increase, in Secretary's statement, as compared with Register's statement.....			247,767,341 66			

## LARGE INCREASE IN THE STATEMENT OF THE PUBLIC DEBT.

This table is taken from the official Finance Reports of 1870 and 1871 and makes a comparison between the Secretary's and the Register's statements for the various years named. The Secretary's table, which appears in the *Finance Report for the first time in 1870* shows a large increase of the public debt over the statement of the Register's. In 1870, by order of the Secretary, the Register's office went back nearly forty years and changed the statement for each year from 1833 to 1870, largely increasing the amount of the public debt statement; for the year 1862, ten million dollars in round numbers; for the year 1863, twenty million; for 1864, seventy-five million, while for 1865, 1866, 1867 and 1868, there is a total decrease of about twenty-five million, and an increase for 1869 of \$99,000,000, and for 1870 of \$94,000,000, or nearly



100 million in each of the latter years. Notwithstanding these large differences between the statements of the Secretary and Register in the official reports of 1870 the Finance Report of 1871 as made to Congress is found to contain agreeing statements from the Secretary and the Register by the Register changing and increasing his amounts so as to correspond with those of the Secretary, and these changes and increases still exist. It is a fact well established that all official reports to Congress made previous to 1870 by the Secretary and Register substantially agree and were many millions less than as now reported in the Finance Reports.

#### FINANCE REPORTS OF 1870 AND 1871.

Assistant Register Titcomb's testimony contains the following (see testimony pp. 18 and 19):

By the CHAIRMAN:

Q. I hand you the Finance Reports of 1870 and 1871, and call your attention to the tabulated statements made by the Register. Be kind enough to look at them both.—A. I see them.

Q. These are the tabulated statements made by the Register for 1870 and 1871?—A. They are.

Q. Do they agree in figures?—A. I see that for the year 1870 they do not agree.

Q. What difference is there?—A. Some \$96,000,000 difference.

Q. Are there any other years for which they do not agree?—A. They do not agree for 1869.

Q. What is the difference there, in round numbers?—A. One hundred million dollars.

Q. Follow it on further.—A. For 1868 there appears to be a difference of about \$25,000,000.

Q. State which is the largest in amount, the 1870 or 1871 statement?—A. The 1871 statement.

Q. You have stated three years; one amounting to \$90,000,000, another to nearly \$100,000,000, another to nearly \$25,000,000. Are there not other years where the amounts do not agree in these two reports?—A. Yes, sir; the years immediately preceding those years.

Q. How far back do the tables in the two reports differ?—A. Without examining each item, I see that a difference occurs in 1833. That is apparently the first year.

Q. And there are more or less differences from 1833 down to 1870, according to these reports?—A. Yes, sir.

Q. Then I understand you that neither the report of 1870, the report of 1871, nor the pamphlet, all issued by the Register, agree in the amounts as to the total of the public debt?—A. So it appears.

By Mr. BECK:

Q. Had not all the annual reports of the various Registers of the Treasury made prior to the report of 1871 agreed substantially with each other as to the public debt of the United States for each year?—A. Yes, sir.

Q. Since 1871-'72 does not each annual report substantially adopt the previous report for all except the year with which it deals?—A. I believe so.

Q. So that in fact the material changes, whether they were the system or what not, that occurred, occurred between 1869 and 1871?—A. I think they occurred in 1871 exclusively, with the exception of a blunder in this tabulated statement which was made by Mr. Nevin—he did not know how to make it—the blunder of deducting the cash in the Treasury.

By Mr. ALLISON:

Q. In answer to Senator Beck you say that the reports for 1870, and prior years, from the Register's office, substantially agree as to the public debt; you also say that the reports of 1871, and subsequent years, substantially agree?—A. Yes, sir.

Q. Now, will you state briefly whether or not the mode of stating the debt in the Register's office was the same for 1870 and prior years, as for 1871 and subsequent years, and, if not, state the difference?—A. The mode of stating it was different. There was a change in the mode of stating the debt.

Q. When?—A. After 1870.

This shows clearly that there are many and large differences in the official reports of 1870-1871, and previous years, ranging from a few dollars to nearly a hundred million dollars in the statements for the respective years, and that the changes made in 1871 went back to 1833, and that the report of 1870, the report of 1871, and the pamphlet, all issued by the Register, differ as to the amount of the public debt. The official Finance Reports to Congress previous to 1870 and since 1871 substantially agree, showing that the changes were made between 1870 and 1871. The official Finance Report made in 1871 differs widely from all previous reports to Congress. After 1870 there was a change in the mode of stating the debt which caused many changes in amounts, increasing the apparent amount of the public debt in some years nearly a hundred million dollars.

The committee also call attention to the following extract from the testimony of Mr. Titcomb (see testimony, pp. 20 and 21):

By the CHAIRMAN:

Q. The changes as made then changed the statements that had been furnished by numerous Secretaries and Registers who had preceded?—A. They made a different statement for the same period.

Q. And those statements changed the figures, as you have them before you, in the reports of 1870 and 1871?—A. Yes, sir.

By Mr. ALLISON:

Q. That is, changed the tabulated statements?—A. Yes, sir.

By the CHAIRMAN:

Q. Mr. Beck has asked you whether your report made to the Secretary and by the Secretary to Congress ought not to be an exact transcript of your books at all times?—A. I should call them a compilation from the books. It is bringing together various items.

Q. And should be a true statement, and intended to be a true statement, from the books?—A. Undoubtedly.

In 1871 the official statement that had been made to Congress by numerous Secretaries and Registers was made to show different amounts for the same period, though the statement as originally made was, when made, intended to be a true transcript of the books.

One of the witnesses examined by the committee was William Guilford, who, for fifteen years prior to his examination, had been employed in the Register's office and who had charge of making up the Receipts and Expenditures of the government. He also made up from the Register's books several statements for the use of the committee. Attention is called to the following extract from his testimony (see testimony, pp. 25 and 26):

Q. Did you prepare that statement for the committee in the Register's office (handing to witness statement marked "Statement No. 2," being a "statement of the Receipts, Expenditures, and outstanding principal of the Public Debt, interest, and premium paid from 1860 to 1877, inclusive, compiled from the books in the Register's office"?—A. Yes, sir; I believe I prepared that with my own hands.

Q. I see in a column headed "Amounts to be added to receipts," marked "b," \$2,019,776.10; and another one marked "c," \$1,000,000.00; and then one marked "d," \$3,274,051.69, making a total of \$6,293,827.79, which you say is "to be added to receipts." What is meant by that?—A. That is in accordance with the Secretary's Report of 1871. Those amounts do not appear upon our books. They are added in accordance with the Secretary's order, in order to harmonize the two, as is shown in the report of 1871.

Q. I understand that these three items amounting to between six and seven million dollars do not appear upon your books?—A. They do not.

Q. But are added here by order of the Secretary?—A. So I understand.

Q. How did you state the debt for 1870 and previously?—A. I did not state it myself, but it was stated by the Issues and Redemptions.

Q. How has it been stated since ?—A. It has been stated since by Receipts and Expenditures, and the table has been revised in accordance.

Q. In the revision you speak of, you changed the amounts as they had previously been reported from your office, commencing with 1833 ?—A. Yes, sir.

By Mr. ALLISON :

Q. Do I understand that you have charge of the books in the Register's office showing the Receipts and Expenditures of the government ?—A. No, sir ; I compile from the books the Receipts and Expenditures.

Q. It is a part of your duty, then, to make up a tabulated statement annually of the Receipts and Expenditures from the books of the Register ?—A. Yes, sir.

The statement here referred to by Mr. Guilford is as follows (see testimony, pp. 28 and 29) :

STATEMENT No. 2.—Statement of the receipts, expenditures, and outstanding principal of the public debt, interest and premium paid, from 1860 to 1877, inclusive, compiled from the books in the Register's office.

Year.	Received from loans during year.	Paid on account of loans during the year.	Amounts to be added to receipts.	Principal of debt at close of year.	Net increase.	Net decrease.	Interest paid.	Premiums paid.
1859	\$438,496,837 88	\$14,431,350 00	.....	\$38,406,837 88	\$58,496,837 88	.....	.....	.....
1860	20,776,800 00	18,142,900 00	.....	64,642,287 88	6,345,450 00	.....	.....	.....
1861	41,861,769 74	48,096,922 09	.....	90,580,873 72	25,738,585 84	.....	.....	.....
1862	529,682,460 50	181,068,635 07	.....	324,176,412 13	453,565,538 41	.....	.....	.....
1863	776,682,261 57	432,825,014 03	.....	1,119,772,188 63	585,565,720 50	.....	.....	.....
1864	1,128,834,245 97	607,361,241 68	.....	1,815,784,370 57	606,012,231 94	.....	.....	.....
1865	1,472,224,740 85	620,263,240 11	.....	2,680,647,849 74	864,863,499 17	.....	.....	.....
1866	712,851,553 05	733,536,960 11	.....	2,773,236,173 69	92,588,303 85	.....	.....	.....
1867	640,426,910 29	682,549,065 88	.....	2,611,637,851 19	.....	.....	.....	.....
1868	625,111,433 20	361,913,718 31	.....	2,588,462,219 94	.....	.....	.....	.....
1869	238,678,081 06	393,254,232 13	.....	2,480,672,427 81	.....	.....	.....	.....
1870	285,474,496 00	398,545,278 67	.....	2,353,211,352 32	.....	.....	.....	.....
1871	268,810,131 49	405,007,307 54	.....	2,283,251,078 76	.....	.....	.....	.....
1872	305,047,054 00	423,689,332 58	.....	2,234,432,743 20	.....	.....	.....	.....
1873	214,931,017 00	422,065,060 23	.....	2,252,284,281 95	.....	.....	.....	.....
1874	439,273,535 46	407,377,492 48	.....	2,180,384,817 15	.....	.....	.....	.....
1875	397,971,856 00	448,345,272 80	.....	2,205,301,142 10	.....	.....	.....	.....
1876	387,455,808 00	323,965,424 05	.....	2,305,301,142 10	.....	.....	.....	.....
1877	348,871,749 00	6,694,464,166 75	.....	2,305,301,142 10	2,815,349,973 87	.....	.....	.....
Total	8,883,471,481 06	6,694,464,166 75	.....	2,305,301,142 10	2,815,349,973 87	.....	.....	.....

a Outstanding debt July 1, 1859.

b Discount on bonds, act February 8, 1861.

c Navy pension fund.

d Difference (see Finance Report, 1871, p. 11).

This statement was prepared by Mr. Guilford, as he states. The amounts stated as the public debt for the respective years do not agree with the amounts officially presented to Congress in the Finance Reports between 1860 and 1870, but they agree with the Report of 1871 as changed under the instruction of the Secretary of the Treasury to the Register. This statement proves the fact of the changes in the Finance Reports; it also shows that three items, one of \$2,019,776.10, one of \$1,000,000, and one of \$3,274,051.69, aggregating \$6,293,827.79, are not upon the debt books, but were added, as Mr. Guilford testifies, in accordance with an order of the Secretary "in order to harmonize the two." The committee call special attention to what he testifies on this point (see testimony, p. 26):

Those amounts do not appear upon our books. They are added in accordance with the Secretary's order, in order to harmonize the two, as is shown in the Report of 1871.

Q. I understand that these three items amounting to between six and seven million dollars do not appear upon your books?—A. They do not.

Q. But are added here by order of the Secretary?—A. So I understand.

This is the evidence of the Treasury clerk who had charge of making up the statements of Public Receipts and Expenditures. Thus between six and seven million dollars were added in the Register's office to make the respective statements of the public debt issued by the Secretary and Register correspond although the items added did not appear regularly upon the public-debt books.

The same witness further testified (see testimony, p. 30):

By Mr. BECK:

Q. Your large experience in the office of the Register enables you to speak pretty fully of the duties of that office, and therefore I want you now, as briefly as you can, to tell us what you understand by the first subdivision of section 313 of the Revised Statutes, which provides that "it shall be the duty of the Register to keep the accounts of the receipts and expenditures of public money, and of all debts due to or from the United States."—A. That the Register's office shall be the bookkeepers of the government, to put it as condensed as possible.

Q. And every dollar that comes into the Treasury and every dollar that goes out of the Treasury must appear on the books of the Register?—A. Yes, sir.

Q. And his annual published reports import absolute verity as to those facts?—A. They are supposed to do so.

Q. That is the object of them?—A. Yes, sir.

Q. He has, from the beginning of the government, or from a very early period of it, made these annual reports to Congress and the country, has he not?—A. Yes, sir.

Q. And up to 1870 the annual report so furnished was all that the country had to rely upon as to the truth of the condition of the Treasury?—A. Yes, sir.

Q. Now you say that in 1871 it was ascertained that all those statements had been false from the beginning of the government?—A. No, sir.

Q. What do you propose to tell us?—A. Not that they were false, but that they were not stated correctly; that they were not stated on a correct basis as far as the public debt was concerned. They stated the amount that the government proposed to owe, but not the amount it did actually owe; the difference was that it stated the amount the government proposed to owe from year to year, and not what it did actually owe.

And again (testimony, p. 33):

Q. When did the Secretary first begin making up his public-debt statement, do you remember?—A. I think it was in the year 1870.

Q. Up to that time nothing had ever come from the Secretary's office; I believe he had no organized bureau required by law to do that work?—A. No, sir.

Q. The Register alone did it?—A. Yes, sir.

Here, again, is proof that the Register is the official bookkeeper of the government, and has been so from the organization of the Treasury

Department; and as such, stated the public debt from 1789 to 1870, when the Secretary of the Treasury began to make up a public-debt statement, and ordered its adoption by the Register; which changed the amount of the debt statement for nearly every year from 1833 to 1870, and in the end increased the amount of the public debt, as stated in the official reports.

The same witness, Guilford, further testified (see testimony, p. 37):

Q. Now, do I understand that the public debt as stated to us is from the books or not?—A. It is a synopsis of the books, with the exception of those notes, *a*, *b*, *c*, and *d*, on Statement No. 2.

Q. With the exception of the \$6,293,827.79 not on your books as public debt?—A. Yes, sir.

Q. Will you state briefly the difference between making a statement from receipts and expenditures and one from issues and redemptions?—A. The difference between them is that one is a statement of a loan issued but not negotiated, and the other of a loan which has not only been issued but has been negotiated.

Q. In making a public-debt statement from receipts and expenditures do you take into consideration the moneys received and paid for all expenditures of the government?—A. No, sir; only those on account of the loans and bonds.

Q. How many months are there between the end of your fiscal year and the time you make your statement to Congress as to the public debt?—A. We generally make our statement to Congress of the public debt in the Finance Report, which is sent in at the assembling of Congress; that is, five months after the close of the fiscal year.

Q. You have from the end of the fiscal year to the assembling of Congress, five months, to make up the statement and see that it is correct?—A. Yes, sir; and also to close up our year. The fiscal year does not practically close for a month or two.

Here Mr. Guilford reiterates his statement that three items, amounting to \$6,293,827.79, are not on the public-debt books, and yet they are added to make the statements agree.

#### ORGANIZATION OF THE WARRANT DIVISION AS IT NOW EXISTS.

Maj. J. T. Power, now chief clerk of the Treasury Department, and formerly chief of the Division of Warrants, Estimates, and Appropriations in the Treasury Department, testified (see testimony, p. 61):

By the CHAIRMAN:

Q. When was the office you now hold created by law?—A. Since the organization of the department under Mr. Boutwell the Warrant Division has existed as at present; but the act of March 3, 1875, commonly known as the Kellogg bill, that fixed by law the organization of the Warrant Division as it now exists.

Q. In what office, and how, was the branch of service that you now are engaged at attended to previous to 1870?—A. Previous to 1870 the duties now assigned to this division were performed by two divisions, the organization of the department then recognizing more divisions and subdivisions than at present. In 1870 Secretary Boutwell consolidated the different divisions and branches of his office in an organization about as it now stands. There have been some slight changes since.

Q. And in 1875 this was recognized by law?—A. Yes, sir.

From the above we see the Division of Warrants was organized in 1870 by the then Secretary of the Treasury, but was not known in law until 1875; yet, from this office, in 1870, the statement was made upon which the Register was ordered to make changes in his statements of Receipts, Expenditures, and Public Debt, as reported to Congress in official Finance Reports in previous years.

And again (see testimony, p. 66):

By the CHAIRMAN:

Q. Take the statement marked "F" in the testimony before this committee and say whether the changes and difference between the figures are correctly stated in that statement from the Secretary and the Register, as they appear in the reports of 1870

and 1871?—A. In this statement I see the first column of the Finance Report of the Secretary for 1870 at page 25 represents the outstanding debt at the end of each year from 1832-'33 to 1870, inclusive. The second column shows the outstanding at the end of each year as taken from the Register's statement in the Finance Report of 1870 at page 276. The next two columns represent the Secretary's compared with the Register's, the first column showing the increase and the second the decrease. That increase represents the amount outstanding in one report in excess of the other report, and appears to be correctly taken from those Finance Reports.

Q. Was the Register's report changed between 1870 and 1871, as represented upon the right-hand column?—A. The Register's report for 1871 makes a different statement, showing a different amount outstanding for those years.

By Mr. DAWES:

Q. Different from what?—A. Different from the statement in the report of the year before.

By the CHAIRMAN:

Q. Was this different statement the result of the letter received from the Secretary's office?—A. It was.

Q. Are the amounts set forth in the increase and decrease columns of this table F the true amounts as to each year?—A. They appear to be the true amounts of the increase of one report over the other.

Thus Major Power certifies to the correctness of "Statement F," which shows changes in the debt statements for the years before mentioned, and to the fact that the changes were made between 1870 and 1871.

#### MANNER OF KEEPING THE ACCOUNTS.

In another portion of Major Power's testimony we find the following (see testimony, pp. 70, 83, and 84):

By the CHAIRMAN:

Q. You have stated that if the accounts were kept with a view to keeping them by Receipts and Expenditures, they would be as true as if kept by Issues and Redemptions?—A. Yes, sir.

Q. Were the accounts kept at that time in that way?—A. They were not so kept prior to 1870.

Q. Then they were kept by Issues and Redemptions?—A. Yes, sir.

Q. Did not the Issues and Redemptions show the true amount of the indebtedness of the government?—A. I believe so, in all cases except where errors crept into the statement, as they are liable to in any class of accounts.

Q. But as to the system of keeping the books prior to 1870, could not the true amount have been stated by Issues and Redemptions of the public debt at any time?—A. Yes, sir; just as well.

Q. Cannot a correct debt statement be made from Issues and Redemptions exclusively for the years 1860 to 1870, inclusive?—A. A correct statement of all Issues and Redemptions can be made, no doubt, between those two periods by accurate and careful accountants.

Q. Could a correct statement of the public debt be made up for each year, beginning with the organization of the government and coming down to 1870, from the Issues and Redemptions alone?—A. Yes, sir.

Q. If the debt was kept by Receipts and Expenditures alone, how could you manage with such items as the Revolutionary debt, Mississippi, Louisiana, Texas, Massachusetts, Eads' jetties, &c., where no receipts come into the Treasury?—A. By making a bookkeeper's entry under a title as "public debt for which no receipts come into the Treasury."

This statement of Major Power shows that the accounts could be kept just as well and accurately by Issues and Redemptions as by Receipts and Expenditures. In fact, they were from the beginning of the government to 1870 kept by Issues and Redemptions, and, as all agree, correctly and well kept.

The committee call attention to this portion of the testimony of Major Power (see testimony, pp. 71 and 72):

By the CHAIRMAN:

Q. Is it a fact, or not, that previous to 1869 the Secretary and Register, in report-

ing the amount of the debt, substantially agree?—A. I believe they do. That is, I believe the Secretary's detailed report and the Register's tabulated statement substantially agreed in all previous years.

Q. Since 1870, do the Secretary and Register substantially agree as to the amount of the outstanding public debt?—A. Yes, sir; with the exception of a very small amount of \$250, I believe.

Q. They agree, then, exactly except as to \$250?—A. They do.

Q. Then the changes and alterations that appear in the public debt were made between 1869 and 1871?—A. Yes, sir. You say "changes in the public debt." They were changes in the reports, not in the public debt.

Q. Were or were not the figures as previously stated in the different Finance Reports from 1833 to 1870 stated in a different way in the Report of 1870 by the Secretary?—A. They were.

Q. For each of those years?—A. The Secretaries differ in their reports. The Secretary for the year 1869 states the outstanding public debt of each year at a certain amount, and the Secretary at the time in his report stated the debt outstanding at the end of the same years somewhat differently.

This is merely corroborative of the statement already made, that previous to 1870 and since 1871 no substantial differences appear between the Secretary and the Register in the statement of the public debt.

#### PACIFIC RAILROAD DEBT.

Attention is asked to the following extracts from the testimony of Major Power (see testimony, pp. 74 and 75):

By the CHAIRMAN:

Q. You spoke a short time ago of the Pacific Railroad debt in 1869. Was the Pacific Railroad debt considered a part of the public indebtedness in 1869?—A. It is so reported in that report, under the head of "Statement of the indebtedness of the United States, June 30, 1869." On page 22 of the Finance Report for 1869 the item "Pacific Railroad Companies' bonds, \$58,638,320," is included.

Q. In 1869, in the detailed statement of the Secretary, he includes in the public indebtedness of the country the Pacific Railroad debt, which amounts to the sum just named?—A. Yes, sir.

Q. In the report of 1870 does he also include it?—A. It is not included in the report of 1870.

Q. It is dropped?—A. It is dropped.

Q. Ought or ought not that to have reduced the public indebtedness by the amount of the Pacific Railroad debt when it was dropped?—A. It would have reduced the aggregate of the report of the outstanding indebtedness.

Q. The aggregate of the amount given to the public in the report?—A. Yes, sir.

Q. There is an increase of the Secretary's statement over the Register's of \$94,000,000; add the \$58,000,000, and the increase would have been \$152,000,000, would it not?—A. Yes, sir; about that.

Q. That being so, if the Pacific Railroad debt had not dropped out, but had been kept in the statement as it appeared in 1869, the increase in the debt of 1870, as stated by the Secretary, would have been about \$152,000,000 instead of \$94,000,000, would it not?—A. I believe that is correct.

In the official Finance Reports of 1869 and previous years, the bonds issued to the Pacific Railroad Companies were treated as part of the public debt, amounting, in 1869, to \$58,638,320; but in 1870 this item was dropped from the public debt statement, and treated as a separate debt; and yet instead of the aggregate of the debt for the year 1869 being thereby reduced 58 millions, there was an apparent increase in the total of \$99,000,000; and adding the 58 millions, the Secretary's statement showed an increase of \$157,000,000 in the public debt over the amount of it as stated by the Register.



## COMPARISON OF ACCOUNTS BY THE DIFFERENT BUREAUS.

Reference is made to the following testimony of Major Power (see testimony, pp. 76 and 77):

By the CHAIRMAN:

Q. Do your different bureaus or divisions in the department at stated periods make comparisons to see whether their accounts agree or not?—A. Every month a comparison is made by the three offices.

Q. What three?—A. The Register's, Comptroller's, and Secretary's. The different bookkeepers in these offices compare one with the other. They do not each compare with both the other offices; but the comparison is made by the Register's with the Comptroller's, and the Comptroller's with the Secretary's. In that way we have a comparison as well as a balance of each of the books every month, and these are compared with the aggregates on the Treasurer's books, and at the end of every quarter a complete balance of all the transactions for the quarter is made, which agrees to a cent in all branches of the department.

Q. That being so, how do you account for your being able in 1870 to go back to 1833 and make these different statements in amounts?—A. In reply to that I should have to explain how the discrepancies arise, how this occurred.

Here it is shown, by a prominent and experienced official of the Treasury—one to whom the committee was specially referred by the Secretary for information on all points connected with the operations of the department—that the different bureaus or divisions of the Treasury at the end of each month, quarter, and year, compare books with each other, and if there are errors they are looked into and corrected. This, the committee are assured, has been the monthly, quarterly, and annual practice of the offices of the Secretary, Comptroller, and Register from the organization of the government; and not only this, but the Treasurer's cash has always been counted quarterly and the warrants checked. Notwithstanding all this, in 1870, by an order of the Secretary to the Register, that officer, in 1871, made many changes in the statements of the public indebtedness from 1833 to 1870, and also made many changes in his report of the Receipts and Expenditures.

During the examination of Mr. Power, the following facts were elicited (see testimony, p. 79):

By the CHAIRMAN:

Q. I simply ask whether the debt, as it now appears on the 1st of July for the previous fiscal year, is made up in the Secretary's or the Register's office?—A. In the Secretary's office.

Q. Not in the Register's office?—A. Not in the Register's office.

Q. From the first days of the government, from the time of Alexander Hamilton, were the debt statements made up by Issues and Redemptions?—A. By Issues and Redemptions.

Q. From the days of Hamilton, as Secretary, down to Mr. Boutwell's administration, they were made up by Issues and Redemptions solely?—A. Yes, sir.

Q. All the Secretaries between Hamilton and Boutwell made them up by Issues and Redemptions, and there was no break in the form of making up those public-debt statements, was there?—A. I believe not; I believe they were uniformly made from Issues and Redemptions.

(See testimony, pp. 80 and 81.)

Q. The issue of bonds is not the question; it is keeping the debt now by Receipts and Expenditures. The law might authorize \$5,000,000 of bonds to be issued and only \$2,000,000 be issued; therefore you cannot take the law always.—A. The present system, adopted in 1870, would require the accounting officers to state an account for

the amount authorized by the law, which would pass into the Treasury as a receipt and be credited to the loan as a subscription.

Q. But that is assuming something; that is giving the accounting officers a discretion to assume. If Receipts and Expenditures were the true way to keep the public debt, why would not this statement show the true amount of the public debt?—A. Referring to my former answer, this is an evidence of the fact I stated, that keeping the accounts by Receipts and Expenditures only is the most unreliable form, and that by Issues and Redemptions the better; but to join the two together, so that one will correct and check the other, is the best system.

This officer says that “keeping the accounts by Receipts and Expenditures only is the *most unreliable* form, and that by Issues and Redemptions the better.”

Previous to 1870 the public-debt statement and the statement of Receipts and Expenditures were both made up each and every year in the Register's Office, and there by right and by law the duty belongs. The bureau in the Secretary's office from which emanate the statements of the public debt was not known in law until 1875. From the organization of the government, when Alexander Hamilton was Secretary of the Treasury, to 1870, the public-debt statement was made on the basis of “Issues and Redemptions,” and it appeared to be free from error. In 1870 this mode was changed and the statement made on the basis of “Receipts and Expenditures.” For over three-quarters of a century down to 1870 one system had worked well and satisfactorily; it had been approved by successive administrations of various parties. But in 1870 a new statement was made, going back nearly forty years and changing the amounts reported for almost every one of the intervening years, thereby apparently increasing the amount of the public-debt statement and of the Expenditures statement by almost a hundred million dollars in a single year.

#### DIFFERENCE BETWEEN RECEIPTS AND EXPENDITURES.

Major Power testifies (see testimony, pp. 80 and 81):

By the CHAIRMAN:

Q. Look at the report of 1871, at page 20, and state what the total receipts of the government up to June 20, 1871, were.—A. The total receipts received into the Treasury on account of loans were \$7,094,541,041.38.

Q. The net expenditures?—A. \$4,857,434,540.51, leaving a balance of \$2,237,106,500.87.

Q. State what the difference is between that and the actual amount of the public debt at that time.—A. The actual public debt was \$2,353,211,332.32.

Q. What is the difference between the actual debt and what it would appear to be on the basis of Receipts and Expenditures?—A. \$116,104,831.45.

Q. If Receipts and Expenditures were the true way to keep the public debt, ought not the difference between Receipts and Expenditures to have shown the actual amount of the public debt?—A. It should have shown the actual amount of the public debt plus the amount of loans or bonds issued for which no receipts came into the Treasury.

Q. You have said that it does not state the true amount of the public debt by \$116,000,000, in round numbers. What is the reason why it does not show the true amount?—A. On account of the loans that were issued and redeemed afterwards, for which no receipts came into the Treasury, and various items of discounts, premiums, and interest charged as principal.

Q. If that be so, Receipts and Expenditures alone would not show the actual public debt?—A. Not unless you add these items for which no receipts were received.

Mr. Bailey, of the Secretary's office, testifies (see testimony, p. 121):

By Mr. DAWES:

Q. When did this \$116,000,000 first appear in the Finance Report?—A. The first note is in 1871.

Q. When did this \$116,000,000 first appear; what is it a discrepancy between?—A. The discrepancy is between the amount received on account of loans and Treasury notes.

Q. In the published reports in which year did it first appear to make a discrepancy?—A. In 1870.

Q. Under what head?—A. Under the head of Tables K and L.

Q. What are their names?—A. "Statement of the Receipts and Expenditures of the United States."

Q. That made a discrepancy of \$116,000,000 between that statement and what other statement?—A. And the amount of the public debt as shown at that time by the debt statement.

Q. This \$116,000,000, then, first appeared there?—A. Yes, sir.

Mr. Bayley here says that he found a difference of \$116,000,000 between the public-debt statement at that time and the amount of the debt stated from Receipts and Expenditures, and the discrepancy appeared for the first time in the Finance Report of 1871. That is to say, when the Receipts and Expenditures on account of the public debt were compared in 1870, there were \$116,000,000 of the public debt, according to the Secretary's debt statement, unaccounted for by a statement made up from the Receipts and Expenditures:

From the beginning of the government to June 30, 1871:

The total receipts were.....	\$7,094,541,041 38
The total net expenditures .....	4,857,434,540 51
Balance .....	2,237,106,500 87
The public debt June 30, 1871 .....	2,353,211,332 32
Difference .....	116,104,831 45

If the debt account was kept by Receipts and Expenditures, there would be \$116,104,831.45 to be accounted for; and on that basis the public debt in 1871 was in round numbers apparently \$116,000,000 too large. It is well known that many bonds have been issued for which no cash was covered into the Treasury, such as the Mississippi stock, the Louisiana purchase, Texas purchase, Mexican indemnity, Massachusetts debt, Eads jetties, &c. This confusion grew out of the change of system in making up the public-debt statement from "Issues and Redemptions" to "Receipts and Expenditures" in 1870.

#### ISSUE OF BONDS BY THE LOAN DIVISION.

During the examination of Major Power the following questions were asked and answers given (see testimony, pp. 88 and 89):

By the CHAIRMAN:

Q. What check is there on the Loan Branch of the Secretary's office as to the amount of the bond that has been ordered by the Treasurer? In other words, if a bond for \$1,000 was subscribed for and the Loan Division gives an order for a \$2,000 bond, where is the check to prevent that \$2,000 bond from going upon the public?—A. If the order to the Register for the bond recites the certificate of deposit as a \$2,000 deposit in place of \$1,000, I believe there would be nothing to prevent the bond being issued. There would have to be collusion to falsify the record.

Q. All in the same office?—A. Yes.

Q. An order comes from the Treasurer's office to the Loan Branch of the Secretary's office to issue a bond for \$1,000; the Loan Division directs a \$2,000 bond to be issued instead of \$1,000 bond, which the Treasurer directed to be ordered. That order goes to the Register, I understand. The Register issues a \$2,000 bond, and it comes back to the same office that ordered it for the seal; that office puts the seal on it and the bond then goes back to the Register for delivery?—A. That is the practice.

Q. Then there is no check outside of that particular office as to whether or not the bond was a \$1,000 or a \$2,000 bond?—A. I believe not.

William Fletcher, Chief of Loan Division, in answer to how bonds were issued, said (see testimony, pp. 126, 127, and 128):

By the CHAIRMAN:

Q. Please explain where, when you went into the office, and where at present, bonds were and are issued.—A. I did not know much about it at the time I entered the office, and I do not know that I can tell how bonds were issued fifteen years ago. I was then a clerk of class one and had not the management; neither have I been over the papers so as to be able to tell how bonds were issued then. I can tell how an issue is made now and how it has been for a number of years.

Q. State that.—A. A deposit is made in the office of the Treasurer, for which he issues a certificate, and upon that certificate our office issues an order on the Register of the Treasury. On that order bonds are issued. I have a certificate here which I can show.

Q. Does the bond come back to your office?—A. Yes, sir; and receives the seal and is initialed.

Q. Does it then go back to the Treasurer's office?—A. No, sir; not to the Treasurer's. It is delivered in accordance with instructions indorsed on the Treasurer's certificate.

Q. The Treasurer, after giving the order, has nothing further to do with the bond in any way?—A. No, sir.

Q. If you did so, the bond would come to your office for putting on the initials?—A. Yes, sir.

Q. And would not go to the Treasurer to see if he had the money for it in the Treasury?—A. It would not go to the Treasurer.

Q. If the Treasurer issues a certificate for a one thousand dollar bond, is there anything to prevent an order for two thousand dollars of bonds being sent to the Register's office from your office?—A. Only our checks.

Q. Your integrity?—A. Yes, sir.

Q. I am putting that out of the question all the time. If such a bond was issued, that two thousand dollar bond would come back to your office. What would you do with it?—A. The initials of the clerk having charge of the loan would be put upon it, and it would be sealed.

Q. But the Treasurer himself would know nothing of it?—A. No, sir.

Q. Do you keep an account in your office of accrued interest on bonds when they are issued?—A. We keep an account of it as furnished by the certificate of deposit.

Q. To make it plain, if I were to ask you to-day to furnish me a list of accrued interest upon bonds sold since 1864, or any other time, could you do it?—A. I could not.

Q. It is not kept in your office in such a way that you could?—A. No, sir.

And Treasurer Gilfillan testifies (see testimony, pp. 106 and 107):

By the CHAIRMAN:

Q. How do you know that a bond is issued for the same amount that you give a certificate for?—A. I have not any knowledge of the transaction after having given the receipt.

Q. If A applies for a \$1,000 bond and pays you the principal and accrued interest, you give him a receipt for that \$1,000. That then goes to the Loan Division of the Secretary's office, as I understand, and the Loan Division issues an order to the Register to issue the bond?—A. Yes, sir.

Q. The Register issues the bond, and does what with it?—A. Transmits it usually to the subscriber, to the depositor.

By Mr. DAWES:

Q. Before he does that, does he not send it to the Secretary?—A. This present loan, as I understand, goes back to the Loan Division of the Secretary's office. A part of the process is then completed; I think putting on the seal and an initial.

By the CHAIRMAN:

Q. That is the same office that gave the order for the bond?—A. Yes, sir. Whether they send the bonds or not I am not certain.

Q. Is there anything other than the integrity of the officer to prevent the Loan Division, if it receives a certificate from you of \$1,000, directing the Register to issue a bond of \$2,000?—A. I do not know that there is, of my own knowledge.

Q. Is there any check upon the Loan Division from making an order upon the Register to issue to A a bond of any given amount?—A. Not that I am aware of.

Q. How long has the present system of issuing bonds been in practice?—A. I think ever since there has been a Loan Division. I know it was so in Mr. Boutwell's time.

Thus it will be seen the Chief of the Warrant Division, the Chief of the Loan Division, and the Treasurer of the United States all say that there is no check upon the Loan Division in issuing bonds, and that upon the integrity of one man in the Loan Division may depend whether or not the bonded debt of the government is as reported. If there was a return of bonds to the Treasurer to see if the amount agreed with the money received, this would be a check on the Loan Division. As it now is, that division can increase the Treasurer's order or originate an order on the Register for the issue of bonds, and there is no check. Many hundred millions of dollars in bonds have been issued with no other check than the integrity of an officer in the Loan Division of the Secretary's office.

#### ISSUING OF LEGAL-TENDER NOTES.

In regard to the issue of legal-tender notes, Major Power testifies (see testimony, pp. 92 and 93):

By the CHAIRMAN:

Q. The Register's name is on the notes, I believe?—A. Yes, sir.

Q. Does the Register ever see the notes?—A. Not until they are redeemed.

Q. Then a note issued, though it is signed by the Register, never passes through the Register's office?—A. That is, the notes bear the *fac simile* of the Register's signature.

Q. I understand that the Superintendent of the Printing Bureau delivers to the Treasurer direct the notes, legal-tenders or fractional currency when the latter was in existence. Do they pass through any other hands but those two?—A. They do not.

Q. They are ready for circulation when the Treasurer receives them from the Printing Bureau?—A. They are then ready for circulation.

Q. They are ready?—A. Yes; but they cannot be put into circulation legally until the Treasurer covers the amount into the Treasury; they are not money in the Treasury until covered in.

Q. Still they are in his possession and no one else has possession of them but the Treasurer, and he could, if he was dishonest, put them in circulation without making any further report about the matter?—A. There is no other check upon the immediate issue of these notes.

Q. They do not pass through the Register's office until they are redeemed and ready for destruction?—A. No, sir.

Q. Then are they registered in the Register's office, all that have been destroyed?—A. They are.

Q. And the same as to delivery from the Printing Bureau to the Treasurer has been in existence since the act creating the two classes of notes, the legal-tenders and fractional currency?—A. Yes, sir.

Q. And they pass through no other hands, I understand, as a check?—A. No, sir.

This shows that the Register's name is on all legal-tender notes, that he does not see them until they are redeemed, and that there is not a proper check on the Treasurer or Bureau of Printing in this regard, so that the Chief of the Bureau of Printing or the Treasurer, if dishonest, could put notes improperly in circulation.

#### AMOUNT OF INTEREST ON BONDS.

James Gilfillan, Treasurer of the United States, testifies (see testimony, pp. 104 and 105):

By the CHAIRMAN:

Q. To put it practically, if you were asked to-day to furnish this committee with the total amount of interest and principal received last year in bonds which were sold,

could you furnish it?—A. Not from the books, my impression is, without going through and taking the warrants and separating them.

Q. You understand that when the entry is made upon the books it is made in gross and not in separate entries, one of principal and the other of interest?—A. Yes, sir. The items of receipts are internal revenue, lands, war, and navy (which are repayments), and miscellaneous. The miscellaneous includes the public debt and other receipts except those before named, which would include principal and interest. I think that was what you requested of me in my statement.

Q. Which you said you could not furnish?—A. Yes, sir. It was said it could not be furnished as the books had been kept from 1861.

Q. No separate account on the books was kept of principal and interest?—A. Of the receipts, no, sir.

Q. Can your office give the exact amount of bonds now in circulation?—A. No, sir.

Q. Then you might, so far as your office is concerned, pay coupons of duplicate numbers, or a greater amount of coupons than were out?—A. If they were genuine coupons.

Q. How would you know whether they were genuine or counterfeit—on the same principle that you know whether a note is a counterfeit or not?—A. Exactly.

Q. But you have no means of knowing whether a bond has been fraudulently or illegally or wrongfully gotten into circulation or not?—A. Unless in the case of registered bonds, which are caveated, and we might have been notified; but we never should be notified of that, because it is not necessary.

This shows that the Treasurer keeps the moneys received for bonds, principal and interest together, and that he cannot tell from the books how much was received for principal and how much for accrued interest for a given time; that is, accrued interest on bonds sold is not kept as a separate account. The Treasurer pays interest on bonds, but he cannot give the amount of bonds outstanding. The Treasurer pays all coupons presented, if genuine, but he does not know whether or not duplicates are paid by him or by the sub-treasurers elsewhere.

#### APPARENT ERASURES AND CHANGES IN THE BOOKS OF THE TREASURY.

On the question of erasures and apparent changes in the books of the Treasury, the committee call attention to the following testimony of Mr. Woodville (see testimony, pp. 110, 111, 112, and 113):

WILLIAM WOODVILLE recalled.

By the CHAIRMAN:

Question. By whom was the statement that I hand you prepared? (Exhibiting).—Answer. Prepared by Mr. Byrne, formerly a clerk of this committee.

Q. Have you examined it by the books so as to be able yourself to testify to it?—A. Yes, sir; I can testify to this statement. I went over it with him and checked it off with him from the other book.

Q. Have you recently re-examined it?—A. Yes, sir; I have refreshed my memory about it to-day.

Q. Is it correct?—A. It is correct, with the exception of a few memoranda which are marked there; two exceptions which I have specified on it.

The CHAIRMAN. I offer that in evidence, as having been the result of the work of Messrs. Woodville and Byrne together, and want it to go in.

*Memorandum of erasures, alterations, and changes found in "Register of Public Debt Warrants" from January 1, 1865, to December 31, 1869. Secretary of the Treasury.*

Year.	Date.	Number of warrants.		Amount.
1865	Jan. 3	1737	Amount altered and scratched .....	\$11,981 56
	17	1883	Amount altered and scratched out; canceled .....	
	Feb. 6	2053	Amount altered and scratched .....	40,434 54
	9	2099	.....do .....	187,932 33
	10	2118	.....do .....	669,920 00
	17	2160	.....do .....	450,500 00

*Memorandum of erasures, alterations, and changes found in "Register of Public Debt Warrants" from January 1, 1865, to December 31, 1869, &c.—Continued.*

Year.	Date.	Number of warrants.		Amount.
1865	Mar. 3	2302	Amount altered and scratched.....	\$18,392 10
	16	2398	do.....	211,640 00
	Apr. 17	2678	do.....	1,087 12
	28	2784	do.....	38,221 57
	May 8	2855	do.....	26,003 09
	17	2944	do.....	38,616 15
	20	2983	do.....	57,020 74
	June 5	3116	do.....	958,240 00
	19	3238	do.....	20,462 17
	21	3266	do.....	17,999 78
	22	3275	do.....	625 00
	July 11	3445	do.....	3,758 63
	Aug. 1	3628	do.....	976 89
	5	3629	do.....	80 00
	14	3672	do.....	243,688 70
	Sept. 4	3718	do.....	67,258 77
	14	3881	do.....	1,743,700 00
	14	Scratched.	Amount altered and scratched out.....	
	21	do	do.....	
	21	4025	Amount altered and scratched.....	13,000,000 00
	25	Scratched.	Amount altered and scratched out.....	
	30	4088	Amount altered and scratched.....	959 08
	Nov. 8	4371	Amount erased with red lines should be in Treasury proper.....	220 00
	8	4372	do.....	150 00
	8	4373	do.....	200 00
	8	4374	do.....	74 00
	27	4486	Amount altered and scratched.....	82,548 33
	Dec. 16	4611	do.....	84,800 00
1866	Jan. 6	4746	do.....	304 19
	16	4817	do.....	46,555 17
	22	4862	do.....	154 62
	26	4900	do.....	24,880 00
	30	4920	do.....	1,136 34
	Apr. 18	5454	do.....	6,163 73
	May 7	5621	do.....	107 71
	12	5673	do.....	45,176 73
	15	5701	do.....	89,900 00
	28	5795	do.....	1,241,004 15
	June 6	5888	do.....	6,791 87
	6	5900	do.....	287,500 00
	13	5958	do.....	20,637 67
	25	6064	do.....	136,325 88
	July 31	6436	do.....	29,731,300 00
	31	6437	do.....	23,127,248 27
	Aug. 2	6473	do.....	7 49
	21	6506	do.....	372,424 36
	23	6632	do.....	30,906 43
	23	6634	do.....	55,298 62
	Sept. 4	6742	do.....	585 97
	21	6826	do.....	15,520 77
	29	6838	do.....	52,485 35
	29	6840	do.....	20,160,000 00
	Oct. 31	7232	do.....	8,000,000 00
	31	7234	do.....	7,000,000 00
	31	7234	do.....	19,981,750 00
	Nov. 16	7331	do.....	48,891 17
	22	7376	do.....	3,535 02
1867	Jan. 7	20	Amount altered and scratched; canceled.....	1,378,450 00
	7	22	do.....	2,621 89
	8	27	Amount altered and scratched.....	50,000 00
	8	30	Amount altered and scratched; canceled.....	29,556 95
	12	52	Amount altered and scratched.....	1,623 95
	15	83	do.....	5,129 71
	Feb. 19	Scratched.	Amount altered and scratched; canceled.....	4,000,000 00
	Mar. 29	397	Amount altered and scratched.....	4,963 40
	June 12	663	do.....	11,449 96
	27	704	do.....	103 00
	Aug. 8	830	do.....	394,100 00
	24	869	do.....	788,000 00
	24	870	do.....	1,031 83
	27	875	do.....	401,000 00
	31	884	do.....	340,500 00
	Sept. 21	934	do.....	350 00
	Oct. 17	Scratched.	Marked in margin "(Directed same to issue on November 1)," and the entry crossed out with black lines, whilst the amounts in figures are not erased. The aggregate amount of the warrant is.....	24,069,000 00
	Dec. 2	1051	Amount erased with red lines; see next page.....	356,400 00
	2	1052	do.....	128,000 00

*Memorandum of erasures, alterations, and changes found in "Register of Public Debt Warrants" from January 1, 1865, to December 31, 1869, &c.—Continued.*

Year.	Date.	Number of warrants.		Amount.
1868	Feb. 14	62	Amount erased with lines; canceled .....	\$2,000,000 00
	June 3	174	Amount erased with red lines .....	\$14,450 00
	3	174	do .....	527 42
	July 31	236	Amount altered and scratched .....	14,977 42
	Aug. 27	259	do .....	28,283,850 00
	Sept. 12	285	Amount erased with red lines; canceled .....	200,000 00
	Oct. 31	346	Amount erased with red lines .....	5 00
	Nov. 12	377	Amount erased with red lines; canceled .....	23,735,382 50
	12	377	do .....	3,045,000 00
1869	Mar. 20	60	do .....	37,661 50
	July 31	135	In several amounts this warrant shows alterations and scratches .....	1,233,791 98
			In the recapitulation for the month of July, 1869, in the item of "Redemption of the Public Debt," the figures are altered and scratched \$12,561,467.49.	30,824,402 08
			In the recapitulation for the month of August, 1869, the amounts entered are in several items altered and scratched.	
	Sept. 30	176	Amount altered and scratched .....	21,314,102 68
	Oct. 30	186	do .....	5,630,541 84
	30	187	Amount altered and scratched; premium on sinking-fund principal .....	311,945 10
	Nov. 30	203	Amount altered and scratched; redemption of the public debt .....	7,265,416 00
			In the month of November, 1869, the amounts entered in the recapitulation are scratched and altered in several items.	

ROOM 65, TREASURY BUILDING,  
COMMITTEE ON TREASURY ACCOUNTS,  
Washington, D. C., November 22, 1878.

SENATOR: I make, at your request, a copy from my "memorandum-book of alterations and erasures," from a book called "Register of Public Debt Warrants."

In my examination of the books furnished the committee by the Secretary of the Treasury, I have thus far noted 1,120 alterations and changes in the 39 books I have examined.

Most respectfully, your obedient servant,

EDWD. BYRNE.

Hon. H. G. DAVIS,  
Chairman, &c.

Q. Have you made examinations of different books in the Secretary's the Register's, and the Treasurer's offices?—A. My examination was particularly in the Register's and Treasurer's books, and the public debt ledger of the Secretary from 1860 to 1871, inclusive.

Q. Did you find upon those books alterations or errors or erasures in figures?—A. Yes, sir; I found alterations, scratches, canceled warrants.

Q. To what extent?—A. In the Treasurer's books from 1860 to 1867, inclusive, the alterations, scratches, and canceled warrants amounted to about twelve hundred in round numbers.

Q. Twelve hundred different alterations?—A. Alterations, scratches, and canceled warrants, anything like a change from the original amount.

Q. Just explain generally what you found upon the books in regard to erasures or alterations of figures?—A. Amounts scratched and new figures substituted.

Q. Do you know of any leaves being entirely out of the books that appeared to have been cut out?—A. Yes, sir. In the beginning of the war some of the Treasurer's accounts are that way, about 1861 and 1862.

Q. In how many instances?—A. Two—four leaves in one case, and five in the other. I can produce the books, if you wish.

The memorandum here given is of erasures and apparent changes found in one book, "Register of Public Debt Warrants," between January, 1865, and December, 1869. There are about one hundred of these changes running from a few dollars up to twenty or thirty millions.



This book was selected as a sample from among the many books of the department. It will be noticed that there are on the Treasurer's books from 1860 to 1867, inclusive, alterations, scratches, and cancelled warrants amounting in round numbers to 1,200. This testimony also shows that a number of leaves have been cut out of the Treasury books and are gone.

John W. Gentry, acting as a clerk to the committee, was examined and testified (see testimony, p. 165):

By the CHAIRMAN:

Question. Have you made a careful examination of certain ledgers of the Register and Secretary of the Treasury?—Answer. I have.

Q. You selected one of the number that you have examined as an example of all that you have examined?—A. I did of those mentioned in this statement.

Q. Is the statement before you the statement you wish now to offer as being a correct statement of the erasures and apparent alterations on the books you examined?—A. It is.

Again (see testimony, p. 174):

The eight (8) ledgers enumerated below have also been examined, with the results as stated.

*Three (3) ledgers from office of Register.*

Title of ledger.	Period.	Number of erasures and apparent alterations.
1. Interior appropriation ledger No. 4.	From July 1, 1861, to June 30, 1868....	One hundred and fifty-three.
2. Naval appropriation ledger No. 6.	From July 1, 1861, to June 30, 1866....	One hundred and thirty-seven.
3. Military appropriation ledger No. 13.	From July 1, 1867, to June 30, 1871....	One hundred and thirty-eight.

*Six (6) ledgers from office of Secretary of Treasury.*

Title of ledger.	Period.	Number of erasures and apparent alterations.
4. Interior appropriation ledger No. 3.	From July 1, 1860, to June 30, 1868....	Two hundred and ninety-six.
5. Naval appropriation ledger No. 5.	From July 1, 1860, to June 30, 1863....	One hundred and ninety-three.
6. Naval appropriation ledger No. 6.	From July 1, 1863, to June 30, 1867....	Six hundred and sixty-eight.
7. Naval appropriation ledger No. 7.	From July 1, 1867, to June 30, 1875....	Four hundred and fifty-seven.
8. Military appropriation ledger No. 10.	From July 1, 1859, to June 30, 1863....	One hundred and sixty-eight.

Three ledgers from Register's office, containing .....	428 erasures and apparent alterations.
Six ledgers from Secretary's office, containing .....	2,099 erasures and apparent alterations.
Total in 9 ledgers .....	<u>2,527</u>

I certify that I have carefully examined the nine (9) ledgers enumerated above, and that the foregoing is a true statement of the erasures and apparent alterations.

JNO. W. GENTRY, *Clerk.*

Q. (By Mr. DAWES.) In the cases where your tables show what are called erasures and alterations, are you able to tell what the figures, as they now exist, have been substituted for?—A. I am not.

Thus it appears that in three ledgers from the Register's office there are 428 erasures and apparent alterations; in six ledgers of the Secretary's office 2,099 erasures and apparent alterations; making a total of 2,527 in nine ledgers. It will be seen that the Secretary's ledgers have

many more of what appear to be changes and alterations than the Register's books have, and that the number is not a few hundred involving small sums, but reaches to thousands involving many millions of dollars; and they do not appear only in the day-books or journals, but extend to the great ledgers of final entry.

As to scratches in and alterations of the books, Major Power testifies (see testimony, p. 91):

By the CHAIRMAN:

Q. Do you know whether or not there are scratches, changes, or alterations, whatever you choose to call them, upon the books of the department; take the Secretary's office?—A. Scratches and mis-entries occur, I believe, in all systems of accounts, and the Secretary's office of the Treasury Department is no exception to that. A clerk may make a mistake at any time.

Q. Is that likely to follow from the day-book or journal into the ledger?—A. It would be in the journal or register.

Q. But it ought not to be in the ledger?—A. No scratches or mis-entries should occur in the ledger.

Q. You keep what is known as a register or journal, and post from that into the ledger, do you not?—A. Yes, sir.

This experienced accountant testifies that, while scratches might occur in the day-book or journal, they ought not to occur in the ledger. But yet the committee find thousands of scratches and apparent alterations of figures in ledgers between 1860 and 1870.

#### TIME REQUIRED TO EXAMINE THE DEBT STATEMENT.

Major Power testifies (see testimony, pp. 72 and 73):

By the CHAIRMAN:

Q. Please state how long it would take to examine carefully the debt and vouchers at the same time for a single year, say take the year 1866, so that you could tell whether or not there were errors in the details. How long would it take and how many clerks to go through that year or any year you choose?—A. It would not be feasible to examine the public debt for any one detached year. The result would not be satisfactory.

Q. The question is, how long would it take, without regard to results?—A. The examination of the debt for one year might necessitate an examination from the commencement of the loan up to that period and even afterwards. It would take four or five clerks one year at least.

Q. To do what?—A. To examine the debt particularly for one year, and for the reason, as I say, that the examination might necessitate going back to the commencement of each loan.

Q. Going into the warrants and transactions of the government to show whether or not there were errors in the accounts?—A. To not go beyond the stated accounts as stated and certified by the Comptrollers, it would not be a task of much difficulty. It would take four or five years.

Q. For how many clerks?—A. With a corps of seven or eight clerks.

Thus it appears that an officer of the Treasury who has served many years in the Register's office and in the office of the Secretary is satisfied that "it would take four or five clerks one year at least" to carefully examine the public debt for a single year, and to examine the warrants and transactions of the government looking for errors would take the same force four or five years. And yet it appears from the testimony of Mr. Bayley that he *alone*, with no experience in the Treasury Department, made an examination into all the transactions of the government from 1833 to 1870 in four and a half months.

Mr. Bayley testified (see testimony, pp. 116 and 117):

By the CHAIRMAN:

Q. Did you, in 1870, assist Mr. Saville, chief clerk of the Treasury Department, in making up a revisory statement of the accounts in the Secretary's office?—A. I did.

Q. How long were you at it?—A. About four months and a half.

Q. Did you do the entire work yourself?—A. I did; that is to say, I understand you are speaking now of the tables in the Secretary's report.

Q. The debt tables?—A. No, not the debt tables, but the receipts and expenditures.

Q. On account of the public debt?—A. No, sir; the Receipts and Expenditures of the Government, Tables K and L, I think, in the Secretary's report of 1870.

Q. Of general receipts and expenditures?—A. Yes, sir. It appeared there for the first time that year.

Q. Who was engaged on the debt part of the statement connected with those tables? [Exhibiting to the witness the report of 1870, with the Tables K and L.] Are those the tables?—A. The whole of this and the whole of that [indicating Tables K and L] are my work from beginning to end.

Q. Are these the receipts and expenditures on account of the public debt?—A. Yes, sir; to a certain extent.

Q. State, now, how long you were at it.—A. About four months and a half in preparing that particular table.

Q. You did the whole work yourself?—A. Yes, sir; the actual manual labor, figuring, &c.

Q. Where did you get your data?—A. From the printed receipts and expenditures, so far as printed at that time. Down, I think, to 1866 they were printed.

Q. Where did you get the other four years from?—A. From the books in the War-rant Division.

Q. Of the Secretary's office?—A. Yes, sir.

This shows that Mr. Bayley alone did all the work between August and November, 1870—four or five months; that he commenced in 1789 with the Receipts and Expenditures, examined the accounts of the government from 1789 to 1870, and made up a statement which caused small and large changes for nearly every year in the Receipts and Expenditures and from 1833 in the public debt. If, as Major Power testifies on page 73 of the testimony (and Dr. Guilford, of the Register's office, on pages 24 and 25 of the the testimony, substantially agrees with him), it would take four or five clerks a year to examine carefully as to the debt of one year, and four or five years to examine it between 1860 and 1870, how could Mr. Bayley, without experience, who had just come into the department, have made in four or five months an examination from 1833 to 1870 which could justify a change in the figures of the Finance Reports? It must be apparent that a careful examination of the books and accounts of the Treasury Department from 1833 to 1870 could not have been made by one man, or even a dozen men, in four months and a half.

#### STATEMENT RELATING TO DEBT, INTEREST, PREMIUMS, AND LOANS.

Among the statements furnished to the committee was the following from the office of the Secretary of the Treasury:

## SECRETARY No. 2.

*Statement of the Receipts, Expenditures, and Outstanding Principal of the Public Debt, Interest and Premium Paid, and the Expenses of Loans and Treasury Notes, and refunding National Debt for each year from 1860 to 1879, inclusive.*

Year.	Received from loans during the year.	Paid on account of loans during the year.	Amounts to be added to receipts.	Amounts to be added to expenditures.	Principal of debt at close of year.	Net increase.	Net decrease.	Interest paid.	Premiums paid.	Expenses of national loans.	Refunding national debt.	Year.
1860	\$458,496,837 88	\$14,431,350 00			\$58,498,837 88	\$458,496,837 88						1859
1861	20,776,800 00	41,812,900 00	642,019,776 10		64,442,267 88	6,345,450 00		\$3,177,314 82		\$4,332 34		1860
1862	529,662,460 50	86,086,922 09			60,560,873 72	23,738,585 84		4,000,173 76		14,840 73		1861
1863	1,776,682,361 57	181,086,635 07			524,170,412 13	453,585,538 41		13,180,324 45		567,316 67		1862
1864	1,128,834,245 97	435,822,014 03			1,110,773,138 63	586,595,726 50		24,729,846 61		1,762,434 39		1863
1865	1,722,224,740 85	607,361,241 68			1,815,784,370 57	864,012,531 94		53,685,421 69		2,040,127 97		1864
1866	712,851,553 05	202,283,249 10			2,680,041,869 74	864,863,499 17		77,397,712 00		6,657,417 71		1865
1867	640,426,910 29	735,536,980 11			2,773,236,173 69	923,568,303 98		133,067,741 69		2,900,030 00		1866
1868	923,111,433 20	692,549,035 88	61,000,000 00		2,611,687,851 19	\$95,110,069 82		143,781,591 91		58,476 51		1867
1869	283,678,081 06	261,912,718 31			2,588,452,213 94	66,438,252 68		140,424,045 71		10,813,349 86		1868
1870	283,474,496 00	363,254,232 13			2,486,073,427 81	23,235,637 25		180,694,242 80		7,001,151 04		1869
1871	363,708,523 47	399,503,070 65	65,338,768 09	2,064,716 40	2,353,211,332 32	167,778,786 13		129,235,498 00		1,674,680 05		1870
1872	363,047,054 00	405,007,307 54		9250 00	2,253,251,328 78	127,461,085 49		125,578,565 93		13,996,555 90		1871
1873	214,931,017 00	233,689,352 58			2,234,433,963 20	99,960,003 54		117,357,839 73		9,016,794 74		1872
1874	439,272,535 46	422,065,060 23			2,251,690,468 43	18,768,335 58		104,750,688 44		2,897,850 92		1873
1875	387,971,556 00	407,377,492 48			2,262,294,531 95	19,405,998 48		103,083,544 57		2,490,015 20		1874
1876	397,455,808 00	449,345,272 80			2,180,393,087 16	51,889,464 80		100,243,271 23		1,678,508 35		1875
1877	444,381,749 00	323,965,424 00			2,205,301,392 10	24,990,324 95		97,124,511 54		20,539 07		1876
1878	464,581,201 00	343,676,944 90			2,256,250,892 53	50,904,500 43		102,500,874 65				1877
1879	792,807,643 00	699,445,809 16			2,349,567,462 04	93,361,569 51		105,327,949 00				1878
	10,990,918,717 04	7,747,544,312 79	8,358,794 19	2,065,716 40	6,811,164,766 67	2,859,018,063 81	610,048,581 77	1,816,478,972 57	59,738,167 73	32,458,462 37	5,010,909 00	1879
Average cost.												.38

*a* Outstanding.

*b* Discount on loan of February 8, 1861.

*c* Amount covered by Navy Pension Fund.

*d* Amount of bond of loan June 29, 1864, donated to the government by Pet. r.

*e* Discount on loan of July and August, 1861.

*f* Items of difference between loan account and receipts and expenditures account, accrued interest, and premium erroneously covered or redeemed as principal.

*g* Difference in the loan and receipts and expenditures account as to the outstanding of the temporary loan.

According to this statement of the Secretary, the decrease in the public debt in 1870 was \$107,779,786.13.

It is a fact that the Pacific Railroad debt (bonds issued by the government to the several Pacific Railroad Companies) was dropped from the debt statement in 1870, which should have reduced the debt .....

\$58,638,320

Amount of sinking fund deducted by Secretary, as stated

in Finance Report of 1871, p. 7, also in statements furnished committee by Secretary and Register, was .....

117,740,000

176,378,320

The difference between the reported decrease of the public debt as above stated and the Pacific Railroad debt and sinking fund is nearly \$70,000,000. The reports furnish no explanation what became of this \$70,000,000 or how it is accounted for. By comparing the debt statement of the Register with the Secretary's tabulated statement in the Finance Report of 1870, it will be seen that the Secretary's statement increased the debt \$94,000,000.

The committee present the following comparative statement of interest on the public debt from 1860 to 1870:

#### No. 5 C.

[Prepared by the Senate Committee on Treasury Accounts.]

#### Comparative Statement of Interest on the Public Debt from July 1, 1860, to July 1, 1870.

Year.	Secretary's statement issued July 1, 1870, "Interest charge."	Secretary's detailed statement furnished to committee, "Interest paid."	Secretary's statement of receipts and expenditures furnished to committee.	Register's statement in receipts and expenditures.	Appropriations made for each fiscal year.	Statement of interest paid (Statement Abstract of the United States, first number, page 8.)
1860..	\$3,443,687 29	\$2,145,702 46	\$3,177,314 62	\$3,144,620 95	\$3,177,275 71	\$3,144,120 94
1861..	5,092,630 43	2,445,055 93	4,000,173 76	4,035,157 27	4,000,139 66	4,034,157 30
1862..	22,048,509 59	4,198,043 96	13,190,324 45	13,190,347 90	13,190,317 49	13,190,344 84
1863..	41,854,148 01	11,970,152 62	24,729,846 61	24,729,700 62	24,729,846 61	24,729,700 62
1864..	78,853,487 24	27,172,650 36	53,685,421 69	53,685,421 69	53,685,421 69	53,685,421 69
1865..	137,742,617 43	82,444,077 52	77,397,712 00	77,397,129 17	77,399,750 87	77,395,090 30
1866..	146,068,196 29	104,257,967 08	133,067,741 89	133,067,624 91	133,067,512 19	133,067,624 91
1867..	138,892,451 39	159,614,758 49	143,781,591 91	143,785,142 82	143,782,220 70	143,781,591 91
1868..	128,459,598 14	110,851,959 41	140,424,045 71	140,424,057 07	140,424,034 89	140,424,045 71
1869..	125,523,908 34	181,506,933 64	130,694,242 80	130,694,242 80	130,694,242 80	130,694,242 80
1870..	118,784,960 34	167,001,472 78	129,235,498 00	129,235,498 00	129,235,442 22	129,235,498 00
	946,764,284 49	853,608,774 25	853,383,913 24	853,388,943 20	853,386,204 83	853,381,839 02

NOTE.—The several statements of the Secretary and Register for the years subsequent to 1870, excluding the statement of "Interest charge," agree with each other.

From this table it appears that six different statements of interest paid disagree with each other; the Register's statements do not agree with each other nor do those of the Secretary, and there is about \$93,000,000 difference between the highest and lowest amounts for the ten years included in this table. This shows either that there is an error in the accounts kept in the different offices as to the interest paid, or that there is something yet to be explained.

It is a fact worthy of serious consideration that in the statements of the receipts and expenditures, interest paid on the public debt, and cash in the Treasury, the Treasurer's statements do not agree by many millions of dollars with the statements of the Secretary and Register.

**THE TREASURER'S STATEMENT OF RECEIPTS AND EXPENDITURES  
COMPARED WITH SECRETARY'S AND REGISTER'S STATEMENTS.**

It has been repeatedly alleged that the books and accounts of the Secretary, Comptroller, Register, and Treasurer, are checks on each other. But it appears that the Treasurer's statements between 1860 and 1870 include \$331,409,634.10 more receipts than the Secretary or the Register charges him with, as is shown by the following comparative table:

No. 4 C.

[Prepared by the Senate Committee on Treasury Accounts.]

*Comparative Statement of the Total Receipts and Expenditures and Balance in the Treasury, for the fiscal years 1860 to 1870, inclusive, in Treasurer's and Secretary's and Register's statements to committee.*

**TOTAL RECEIPTS.**

Year.	Treasurer's statement to committee.	Secretary's and Register's statements to committee.	Treasurer's statement, as compared with Secretary's and Register's statements.		Year.
	Total receipts.	Total receipts.	Increase.	Decrease.	
1860 .....	\$80,544,805 71	\$76,841,407 83	\$3,703,397 88		1860
1861 .....	88,694,545 03	83,371,640 13	5,322,904 90		1861
1862 .....	589,301,545 86	581,679,915 93	7,621,629 93		1862
1863 .....	896,396,040 45	889,379,652 52	7,016,387 93		1863
1864 .....	1,408,474,234 51	1,393,461,017 57	15,013,216 94		1864
1865 .....	1,826,075,227 14	1,805,939,345 93	20,135,881 21		1865
1866 .....	1,326,610,336 25	1,270,884,173 11	55,726,163 14		1866
1867 .....	1,176,776,082 57	1,131,060,920 56	45,715,162 01		1867
1868 .....	1,075,324,046 89	1,030,749,516 52	44,574,530 37		1868
1869 .....	658,467,731 68	609,621,828 27	48,845,903 41		1869
1870 .....	774,464,430 01	696,729,973 63	77,734,456 38		1870
Total .....	9,901,129,026 10 9,569,719,392 00	9,569,719,392 00	331,409,634 10		
Increase in Treasurer's as compared with Secretary's and Register's statements .....	331,409,634 10		331,409,634 10		

**TOTAL EXPENDITURES.**

Year.	Treasurer's statement to committee.	Secretary's and Register's statements to committee.	Treasurer's statement, as compared with Secretary's and Register's statements.		Year.
	Total expenditures.	Total expenditures.	Increase.	Decrease.	
1860 .....	\$80,758,523 53	\$77,561,948 89	\$3,196,575 14		1860
1861 .....	90,710,267 98	84,689,544 89	6,020,723 99		1861
1862 .....	573,288,988 01	570,858,741 00	2,430,247 01		1862
1863 .....	906,632,308 18	895,827,360 24	11,004,947 94		1863
1864 .....	1,310,554,454 83	1,288,144,656 00	12,409,798 83		1864
1865 .....	1,926,569,212 58	1,904,916,466 09	21,652,746 49		1865
1866 .....	1,195,070,567 59	1,141,072,666 09	53,997,901 50		1866
1867 .....	1,142,101,532 89	1,093,079,655 27	49,021,877 62		1867
1868 .....	1,114,021,431 18	1,069,889,970 74	44,131,460 44		1868
1869 .....	633,911,220 81	584,777,996 11	49,133,224 20		1869
1870 .....	780,889,450 27	702,907,842 88	77,981,607 39		1870
Total .....	9,754,707,957 85 9,423,726,847 70	9,423,726,847 70	330,981,109 65		
Increase in Treasurer's as compared with Secretary's and Register's statements .....	330,981,109 65		330,981,109 65		

This table makes it apparent that the books and accounts of the Secretary, Comptroller, and Register do not agree with each other and are not a check upon the Treasurer, for the latter, as already stated, accounts for over \$331,000,000 of receipts more than appear from the statements of the other officers, and he accounts also for \$330,981,109.65 more expenditures, from 1860 to 1870, than the Secretary or Register seem to charge to him.

The following is a continuation of the table No. 4 C, last presented :

## BALANCE IN THE TREASURY.

Year.	Treasurer's statement to committee.	Secretary's and Register's statements to committee.	Treasurer's statement as compared with Secretary's and Register's statements.		Treasurer's statement to committee.	Year.
	*Balance in Treasury at end of year.	*Balance in Treasury at end of year.	Increase.	Decrease.	Unpaid drafts.	
1860.....	\$32,979,580 78	\$31,815,299 47	\$1,164,281 31	.....	\$1,139,121 34	1860
1861.....	30,964,160 02	30,497,394 71	456,765 31	.....	449,021 28	1861
1862.....	46,965,304 87	41,307,458 83	5,657,846 04	.....	1,235,189 99	1862
1863.....	36,529,037 14	34,853,751 10	1,675,286 04	.....	1,263,235 56	1863
1864.....	134,433,738 44	130,160,902 27	4,272,836 17	.....	1,585,307 14	1864
1865.....	33,933,657 89	31,177,687 00	2,755,970 89	.....	2,539,137 18	1865
1866.....	165,473,426 55	160,817,099 73	4,656,326 82	.....	4,413,357 14	1866
1867.....	200,147,976 23	198,076,537 09	2,071,439 14	.....	1,138,009 91	1867
1868.....	160,557,017 73	158,986,082 87	1,620,934 86	.....	1,620,809 86	1868
1869.....	185,115,673 14	183,781,985 76	1,333,687 38	.....	1,333,556 38	1869
1870.....	178,722,693 51	177,604,116 51	1,118,577 00	.....	1,118,577 00	1870

\*\$28,101,644.91 deposited with the States included.

This shows at a glance that the Secretary, Register, and Treasurer do not agree as to the cash balance in the Treasury at the same date. The Treasurer says he has more cash than the Secretary and Register have charged to him, and this is not for a single year or to the extent of a few thousand dollars, but it covers a period of years and amounts to millions of dollars.

## RELATING TO PUBLIC DEBT.

On page 149 of the testimony is the following table, showing the differences between the Secretary's and Register's tabular statements of the outstanding public debt for each fiscal year from 1833 to 1870:

No. 1 C.

PREPARED BY SENATE COMMITTEE ON TREASURY ACCOUNTS.

*Secretary's and Register's Tabular Statements of the Outstanding Public Debt for the fiscal years 1833 to 1870, inclusive.*

[Copied from the Finance Reports of 1870 and 1871.]

Year.	Secretary's statement, Finance Report, 1870, page xxv.	Register's statement, Finance Report, 1870, page 276.	Secretary's compared with Register's.		Register's statement, Finance Report, 1871, page 368.	Year.
			Increase.	Decrease.		
1833.....	\$7,001,698 88	\$7,001,032 88	\$665 95	.....	\$7,001,698 83	1833
1834.....	4,760,082 08	4,760,081 08	1 00	.....	4,760,082 08	1834
1835.....	37,513 05	351,289 05	.....	\$313,776 00	37,513 05	1835
1836.....	336,957 83	291,089 05	45,868 78	.....	336,957 83	1836
1837.....	3,308,124 07	1,878,223 55	1,429,900 52	.....	3,308,124 07	1837
1838.....	10,434,221 14	4,857,660 46	5,576,560 68	.....	10,434,221 14	1838
1839.....	3,573,343 82	11,983,737 53	.....	8,410,393 71	3,573,343 82	1839
1840.....	5,250,875 54	5,125,077 63	125,797 91	.....	5,250,875 54	1840
1841.....	13,594,480 73	6,737,398 00	6,857,082 73	.....	13,594,480 73	1841
1842.....	20,601,226 28	15,028,486 37	5,572,739 91	.....	20,601,226 28	1842
1843.....	32,742,922 00	27,203,450 69	5,539,471 31	.....	32,742,922 00	1843
1844.....	23,461,652 50	24,748,188 23	.....	1,286,535 73	23,461,652 50	1844
1845.....	15,925,303 01	17,093,794 80	.....	1,168,491 79	15,925,303 01	1845
1846.....	15,550,202 97	16,750,926 33	.....	1,200,723 36	15,550,202 97	1846
1847.....	38,826,534 77	38,956,623 38	.....	130,088 61	38,826,534 77	1847
1848.....	47,044,862 23	48,526,379 37	.....	1,481,517 14	47,044,862 23	1848
1849.....	63,061,858 69	64,704,693 71	.....	1,642,835 02	63,061,858 69	1849
1850.....	63,452,773 55	64,228,238 37	.....	775,464 82	63,452,773 55	1850
1851.....	68,304,796 02	62,560,395 26	5,744,400 76	.....	68,304,796 02	1851
1852.....	66,199,341 71	65,131,692 13	1,067,649 58	.....	66,199,341 71	1852
1853.....	59,803,117 70	67,340,628 78	.....	7,537,511 08	59,803,117 70	1853
1854.....	42,242,222 42	47,242,206 05	.....	4,999,983 63	42,242,222 42	1854
1855.....	35,586,956 56	39,969,731 05	.....	4,382,774 49	35,586,956 56	1855
1856.....	31,972,537 90	30,963,904 64	1,008,632 26	.....	31,972,537 90	1856
1857.....	28,699,831 85	29,090,386 90	.....	390,555 05	28,699,831 85	1857
1858.....	44,911,881 03	44,910,777 66	1,103 37	.....	44,911,881 03	1858
1859.....	58,496,837 88	58,754,699 33	.....	257,861 45	58,496,837 88	1859
1860.....	64,842,287 88	64,769,703 08	72,584 80	.....	64,842,287 88	1860
1861.....	90,580,873 72	90,867,628 68	.....	286,954 96	90,580,873 72	1861
1862.....	524,176,412 13	514,211,371 92	9,965,040 21	.....	524,176,412 13	1862
1863.....	1,119,772,138 63	1,098,793,181 37	20,978,957 26	.....	1,119,772,138 63	1863
1864.....	1,815,784,370 57	1,740,690,489 49	75,093,881 08	.....	1,815,784,370 57	1864
1865.....	2,680,647,869 74	2,682,593,026 53	.....	1,945,156 79	2,680,647,869 74	1865
1866.....	2,773,236,173 69	2,783,425,879 21	.....	10,189,705 52	2,773,236,173 69	1866
1867.....	2,678,126,103 87	2,692,199,215 12	.....	14,073,111 25	2,678,126,103 87	1867
1868.....	2,611,687,851 19	2,636,320,964 67	.....	24,633,113 48	2,611,687,851 19	1868
1869.....	2,588,452,213 94	2,489,002,480 58	99,449,733 36	.....	2,588,452,213 94	1869
1870.....	2,480,672,427 81	2,386,356,599 74	94,313,828 07	.....	2,480,672,427 81	1870

Thus it appears that the Secretary and the Register in the same official Finance Report, that of 1870, differ widely as to the amount of the public debt in each year from 1833 to 1870, and that for the latter year the difference (or increase by the Secretary over the Register) is, \$94,313,828.07, and the great differences are in the years between 1861 and 1870. On the 30th of June, 1860, the difference was but \$72,584.80, while for the year ending June 30, 1861, the Register's statement is more than that of the Secretary by \$286,954.96. This shows that the Register's debt statement from the beginning of the government, as kept by Issues and Redemptions down to and including 1861, was less than that of the Secretary made up by the new mode of computing it by Receipts and Expenditures, and that the entire increase is between 1861 and 1870. It is a singular fact that the new mode of statement adopted by the



Secretary in 1870 made but little change in the public debt previous to 1861, while from 1861 to 1870 a very large increase appears. After 1870 the Register's and the Secretary's statements of the debt agree, the letter of the Secretary through his chief clerk to the Register having caused the latter to change all the statements made by him previous to 1871, and to increase his debt-table so as to agree with the Secretary's new table.

#### APPROPRIATION WARRANTS.

Mellen C. Hooker, custodian of the files of the Register's office, being asked during his examination as to certain warrants which did not appear on the files, was directed to make search therefor; with the following result (see testimony, p. 138):

The witness, MELLEN C. HOOKER, after being absent for some time, returned, and his examination was continued as follows:

Q. (By the CHAIRMAN.) What report do you make?—A. The warrants for which your memorandum calls, namely, No. 895, dated June 30, 1868, and No. 947, dated June 30, 1870, do not appear on the files, neither have they been on the files since I have been custodian of the warrants.

Q. Can you direct us to any place where we should be likely to get information connected with them?—A. I cannot.

Q. Have you made inquiry or search for them yourself?—A. I have; diligent search.

Q. What has been the result?—A. Diligent search on my part has failed to reveal their whereabouts; search made as soon as I ascertained that they were gone.

Q. How long is it since you have known that they were gone?—A. A little over two years.

Q. Have you made search diligently at intervals since?—A. No; I have not.

Q. Have you informed the Register of their absence?—A. I have.

Q. Do you know any place or anybody to whom we could apply that could give us further information about them?—A. I do not.

On a subsequent day the same witness was again called, he having been, meanwhile, instructed to make further search, and this was the result (see testimony, p. 162):

MELLEN C. HOOKER recalled.

By the CHAIRMAN:

Question. There were two warrants covering the permanent and indefinite appropriations for 1868 and 1870, that we asked you to produce to us when you were last before us. Have you been able to find them?—Answer. I have not.

Q. Have you made an effort to find them?—A. I have.

Q. You are custodian of the warrants, I believe?—A. Of the appropriation warrants.

So your committee were unable to obtain in the Treasury Department these two large warrants, No. 895 and No. 947, for 1868 and 1870, respectively, covering the permanent and indefinite appropriations, amounting—

For the year 1868, to .....	\$847, 209, 450 80
For the year 1870, to .....	540, 760, 511 95

1, 387, 969, 962 75

No one in the Treasury could inform the committee where the originals of these two very large warrants were, nor whether absolutely true copies of them could be had. The warrant for 1869 corresponding with the two missing warrants transfers from the Treasury nearly \$400,000,000, and is scratched and apparently altered in several places and to the extent of many millions of dollars.

The following letter of Mr. Woodville and reply of Mr. Hooker will show that 20 or 30 other appropriation warrants are missing:

SENATE COMMITTEE ON TREASURY ACCOUNTS,  
Washington, February 18, 1880.

SIR: In the call made for the original permanent, annual, and indefinite appropriation warrants, the entire file for the year 1870 has not been furnished. As the num-

ber of these warrants for the year 1869 is 23, and for the year 1871, 34, the number for the year 1870 must approximate to these numbers.

You will please inform me why these warrants for 1870 were not furnished.

Respectfully,

WILLIAM WOODVILLE,  
*Clerk.*

Mr. MELLEN C. HOOKER,  
*Custodian of the Register's Files, Treasury Department.*

REGISTER'S OFFICE,  
*Treasury Department.*

SIR: When I assumed charge of the appropriation warrants, about two years ago, the warrants for 1870, Nos. 921 to 947 inclusive, were missing; and diligent search on my part has failed to reveal their whereabouts. But copies and registers of them are on file and subject to your order.

Respectfully,

M. C. HOOKER.

Mr. WILLIAM WOODVILLE.

The above shows that all the original permanent and indefinite appropriation warrants for 1870 cannot be found.

#### LOAN DIVISION.

Eugene B. Daskam, Chief of the Division of Public Moneys in the Secretary's office, in answer to the question, how the accounts of that division are compared with those of the Loan Division, said (see testimony, p. 141):

In loan matters the Division of Loans has the original certificate of deposit, and we send the list there for check.

Q. How long after the transaction closes in your office is the warrant issued in the division of Mr. Power?—A. There is no regular time.

Q. As a matter of experience in loan matters, particularly?—A. I think they have been sometimes quite a long time, particularly during these heavy loan transactions; they could not get time up there to check them.

Q. What do you mean by "a long time"?—A. Perhaps a list has been up there a month or six weeks.

Q. Ever longer than that?—A. I do not know but they may have been longer.

Again, the same witness testified as to the course pursued with money deposited for a bond (see testimony, p. 143):

Q. What would you do with that?—A. At the end of the month, that, with lots of others, would be listed. It makes a list of several hundred, perhaps. We only cover in about once a month. At the end of the month we cover in from all the different offices. One list is prepared covering perhaps millions of dollars.

And again (see testimony, p. 144):

Q. Then, if the Loan Division issued a bond for \$20,000 instead of \$10,000, and chose to check that \$10,000 when it came back, that would be all in the Loan Division?—A. Yes; we have no check on the Loan Division in such a transaction.

By reference to page 156 of the testimony it will be seen that Treasurer Gilfillan substantially agrees with Mr. Daskam. The Public Moneys Division sends a list to the Loan Division for check, but there is no regular or prescribed time for sending it, and sometimes it stays there a month or six weeks, and even longer, before being settled. A list is made, say at the end of each month, containing, it may be, several hundred items, and then a covering-in warrant may be made for a million dollars or more. It is plain that the Public Moneys Division has no check on the Loan Division that would prevent a larger bond being issued where a smaller one had been ordered and paid for.

The same witness (see testimony, p. 144) testified :

By the CHAIRMAN :

Q. Can you tell me whether or not all warrants for covering in on expending money originate in the Secretary's office ?—A. All warrants of every kind and description, I think. All receipts are covered into the Treasury by warrant, and those warrants all come from the Secretary's office.

It thus appears that all warrants of every kind and description are issued from the Warrant Division of the Secretary's office. Money paid into the Treasury from all sources is covered in by a covering warrant ; and all expenditures are made on warrants which are the authority for paying money from the Treasury. Both classes of warrants originate in the same office, and the questions involved in them are decided by the same officer. The committee think it would be better if the warrants for the covering of money into the Treasury were issued from an office different from that from which warrants for the expenditure of public money are issued.

#### ACCRUED AND UNCLAIMED INTEREST ON BONDS.

Treasurer Gilfillan (see testimony, p. 157) testified in regard to the accrued interest on bonds subscribed for :

By the CHAIRMAN :

Q. Can you give us the amounts of unclaimed interest up to 1860, and since 1860, in round numbers ?—A. The amount of unclaimed interest on the books at this time, which accrued prior to 1860, is \$2,407.45.

Q. How much since 1860 ?—A. Since 1860 it is \$87,927.31.

Q. Is it your impression that it would improve the general system of accounts if that was returned, after standing a certain number of years, into the Treasury, as all other appropriations are ?—A. Yes, sir ; all other outstanding liabilities.

Q. How long do you think it should stand before being returned into the Treasury ?—A. Other balances and checks outstanding are turned into outstanding liabilities every three years. I suppose that would be as good a limit as any.

Q. Then it would have to go through the accounting officers as any other outstanding liability that is returned to the Treasury ?—A. Yes, sir.

Q. As it is now, the demand for it is made at your office, and it is at your discretion whether it is right or not to pay it ?—A. Yes, sir.

Q. Can you give us an estimate of the accrued interest on bonds for a given year ?—I am not particular what year you take.—A. For the fiscal year 1879 the accrued interest deposited on account of 4 per cent. bonds was \$1,720,677.21.

Q. How would that year average with the years since 1863 ?—A. That would depend on whether we were issuing a loan or not. If we were not issuing a loan there would be no deposits ; if we were issuing a loan, there would be.

The Treasurer here says that the accrued interest on bonds sold in 1879 was \$1,720,677.21. Large as this sum is there is no division or bureau in the Treasury Department from whose books a statement of the amount received between 1860 and 1878 could be furnished to the committee.

In regard to unclaimed interest the same officer testifies, (see testimony, pp. 156 and 157) :

By the CHAIRMAN :

Q. Can you give us the amounts of unclaimed interest up to 1860, and since 1860, in round numbers ?—A. The amount of unclaimed interest on the books at this time, which accrued prior to 1860, is \$2,407.45.

Q. How much since 1860 ?—A. Since 1860 it is \$87,927.31.

Q. Is it your impression that it would improve the general system of accounts if that was returned, after standing a certain number of years, into the Treasury, as all other appropriations are ?—A. Yes, sir ; all other outstanding liabilities.

Q. How long do you think it should stand before being returned into the Treasury ?

—A. Other balances and checks outstanding are turned into outstanding liabilities every three years. I suppose that would be as good a limit as any.

Q. Then it would have to go through the accounting officers as any other outstanding liability that is returned to the Treasury?—A. Yes, sir.

Q. As it is now, the demand made for it is made at your office, and it is at your discretion whether it is right or not to pay it?—A. Yes, sir.

Thus it appears that unclaimed interest which has been standing for years is now paid by the Treasurer when demanded, and it is sometimes very doubtful whether the true owner calls for it, and the wrong person may be paid. The committee approve of the Treasurer's suggestion that after a certain period such claims should be presented formally and go through the offices of an Auditor and Comptroller, and recommend that all unclaimed interest standing more than three years be covered into the Treasury.

Treasurer Gilfillan also testifies (see testimony, p. 157):

By the CHAIRMAN:

Q. What proportion of the bonds issued, on an average, passes through your office, and what proportion is ordered by the Secretary directly on the Loan Division?—A. Do you mean what proportion of the deposits are made here?

Q. I mean what proportions of the bonds issued, no matter upon what basis they are issued, are on deposits that pass through your office that you have the handling of?—A. I have the figures for the 4 per cent. loan since 1877 up to December 31, 1879. I can give you those.

Q. Answer in your own way.—A. The total deposits on account of principal of the 4 per cent. loan from 1877 to December 31, 1879, were \$738,490,550. Of that amount there was deposited at the Washington office \$108,146,117.76.

It will be seen that six-sevenths of the bonds issued go through the Secretary's office, and the Treasurer has no connection with them, and that only one-seventh is ordered by the Treasurer. The committee think the Secretary's office has too much to do with the issue of bonds, and the Treasurer's office too little. It would be far better if the Treasurer ordered the bonds and if they were delivered through the Treasurer, so that he could see if the proper amounts of money had been paid to the government for the bonds issued. The Treasurer thinks bonds ought not to be issued on the certificates to any one except the person who receives and accounts for the money.

#### SINKING FUND.

Mr. Treasurer Gilfillan testifies (see testimony, p. 159):

By the CHAIRMAN:

Q. What is the difference between "special" and "sinking fund," as reported? In the report of 1870 there is a table of the Treasurer which speaks of "special" and "sinking fund." I want to know what the difference between these two funds is, if there is any?—A. The Treasury bought a great many more bonds than were required for the sinking fund, which were set apart and called, for distinction, "the special fund." The sinking fund is required by law, and the special fund was simply a regulation of the department.

Q. When you came to deduct from the public debt the canceled bonds, was any distinction made then, or was the whole amount canceled and deducted in the same way?—A. They were all canceled and deducted in the same way.

In this connection is presented table No. 9 C, prepared by the committee (see testimony, p. 191):

## No. 9—C.

[Prepared by the Senate Committee on Treasury Accounts.]

*Treasurer's and Secretary's statements of purchases of bonds for sinking and special funds to June 30, 1870.*

## TREASURER.

FINANCE REPORT 1870, p. 193.—The Treasurer says: "There were held on the 30th June, 1870, by the Treasurer, as custodian of the special fund and the sinking fund, coupon and registered bonds purchased for those funds amounting to \$123,429,100.

*Treasurer's "statement of five-twenty bonds purchased for special and sinking funds from May 11, 1869, to July 1, 1870." (Finance Report 1870, p. 194.)*

Loan.	Coupon.	Registered.	Total.
5-20s of 1862.....	\$478, 700	\$14, 659, 600	\$15, 138, 300
5-20s of March, 1864.....		752, 400	752, 400
5-20s of June, 1864.....	11, 561, 350	5, 203, 750	16, 765, 100
5-20s of 1865.....	5, 257, 000	5, 618, 600	10, 875, 600
Consols of 1865.....	38, 818, 650	9, 292, 700	48, 111, 350
Consols of 1867.....	22, 258, 200	6, 789, 150	29, 027, 350
Consols of 1868.....	2, 314, 000	445, 000	2, 759, 000
Total.....	80, 687, 900	42, 741, 200	123, 429, 100

## SECRETARY.

FINANCE REPORT 1870, p. xiv.—Note to detailed statement of the public debt. The Secretary says: "The bonds which have been purchased for the sinking and special funds, amounting to \$121,429,100, were treated as outstanding on the first of July last (1870). Since that date, the act of July 14, 1870, directed their cancellation and destruction, and they have therefore been deducted from the amount outstanding in this statement.

*Secretary's monthly debt statement, July 1, 1870. Bonds purchased by Treasury.*

Loan.	Total.
5-20s of 1862.....	\$15, 063, 700
5-20s of March, 1864.....	752, 400
5-20s of June, 1864.....	16, 488, 150
5-20s of 1865.....	9, 713, 450
Consols of 1865.....	47, 740, 750
Consols of 1867.....	28, 928, 650
Consols of 1868.....	2, 744, 000
Total.....	121, 429, 100

## SECRETARY AND REGISTER.

*Statements furnished the committee.*

Sinking and special funds, June 30, 1870..... \$117, 740, 000  
This amount was deducted from public debt of 1870.

In Finance Report of 1870, page 196, the Treasurer gives on July 1, 1870, class of bonds bought, net cost in paper and gold, and says the principal was \$123,429,100, yet when deducted from the principal of the public debt \$117,740,000 only was deducted.

The Treasurer says there is no difference, except in name, between "sinking fund" and "special fund," and that in deducting these funds from the nominal aggregate of the public debt the two are treated in the same way; and on June 30, 1870, he had in his custody, purchased for sinking and special fund, bonds amounting to \$123,429,100. He also gives the loans to which the bonds belong, and of what kind, whether coupon or registered. The Secretary, in the Finance Report of 1870, page 14, states that on July 1, 1870, there were to the credit of this fund \$121,429,100, showing a difference of \$2,000,000; that is to say, the Secretary reports \$2,000,000 less than the Treasurer reports he has in his custody. The above statement further shows that when the amount of this fund is deducted from the nominal total of the public debt, the sum of \$117,740,000 only is deducted, or in round numbers \$6,000,000 less than the Treasurer reported, and \$4,000,000 less than the Secretary reported as having been purchased and paid for.

COMPARISON OF RECEIPTS AND EXPENDITURES AND ACCOUNTS BETWEEN THE DEPARTMENTS.

In William Woodville's examination this appears (see testimony, pp. 178-179):

By the CHAIRMAN:

Q. Have you prepared certain statements for the committee?—A. Yes, sir; I have them here numbered.

The CHAIRMAN. These are certain statements prepared by the committee that we propose to offer in evidence. [To the witness:] Have you prepared these statements yourself?—A. Yes, sir; they are a comparison between the figures as I found them.

Q. Did you take all the figures there from official reports?—A. Yes, sir, with the exception of the Navy Department. I went to the Navy Department books and took certain amounts which are specified at the bottom in their ledger.

It will be seen by tables 7 C and 8 C (see testimony, pp. 188-190) that both as to the receipts and expenditures of the government between 1860 and 1870 there are many changes in figures in official Finance Reports to Congress. Some of the changes involve large amounts, and they are the result of the Secretary's new mode of statement by Receipts and Expenditures, which appeared in form for the first time in 1870; and the changes in the Register's table result from the letter of November 24, 1871, from the Secretary directing the Register to make the changes.

Among the tables verified by Mr. Woodville is the following (see testimony, p. 195):

[Prepared by Senate Committee on Treasury Accounts.]

*Exhibit showing the expenditures for PENSIONS, from statements furnished the committee by the Secretary of the Treasury and the Secretary of the Interior, and from official statement to the Senate from the Treasury, for the fiscal years 1860 to 1876, inclusive.*

Year.	Statement furnished committee by the Secretary of the Treasury.	Statement furnished committee by the Secretary of the Interior.	Statement of the Secretary of the Treasury as compared with statement of the Secretary of the Interior.		Official statement to the Senate from Treasury November 12, 1877.	Year.
			Increase.	Decrease.		
1860.....	\$1,102,926 15	\$1,113,562 03	.....	\$635 88	\$1,100,402 32	1860
1861.....	1,036,064 06	1,071,461 55	.....	35,397 49	1,032,768 22	1861
1862.....	853,085 40	790,384 76	\$62,710 64	.....	852,170 47	1862
1863.....	1,076,991 59	1,029,143 08	49,848 51	.....	1,078,513 36	1863
1864.....	4,963,924 41	4,506,903 81	477,020 60	.....	4,965,273 89	1864
1865.....	16,338,811 13	8,525,153 11	7,813,658 02	.....	16,338,155 15	1865
1866.....	15,605,352 35	13,459,996 43	2,145,355 92	.....	15,605,549 88	1866
1867.....	20,936,551 71	18,477,512 08	2,459,039 63	.....	20,939,789 69	1867
1868.....	23,782,386 78	24,010,981 99	.....	228,595 21	23,553,791 57	1868
1869.....	28,476,621 78	28,422,884 08	53,737 70	.....	28,668,247 27	1869
1870.....	28,340,202 17	27,780,811 81	559,390 36	.....	27,923,512 11	1870
1871.....	34,443,894 88	33,077,383 63	1,366,511 25	.....	34,024,990 91	1871
1872.....	28,533,402 76	30,169,341 00	.....	1,635,938 24	28,042,509 16	1872
1873.....	29,359,426 86	29,185,289 62	174,137 24	.....	29,185,170 69	1873
1874.....	29,038,414 66	30,563,749 56	.....	1,555,334 90	29,112,184 12	1874
1875.....	29,456,216 22	29,663,116 63	.....	226,900 41	29,552,136 12	1875
1876.....	28,257,395 69	28,351,569 69	.....	94,204 00	28,302,368 91	1876
Total ....	321,623,678 60	310,239,274 86	15,161,409 87	3,777,006 13	319,980,651 63	
	310,239,274 86	.....	3,777,006 13	.....	321,623,678 60	
Difference	11,384,403 74	.....	11,384,403 74	.....	1,643,026 97	
Difference, or increase, in statement of Secretary of the Treasury, as compared with statement of Secretary of the Interior. . .			11,384,403 74	.....	.....	

The above table shows that the Secretary of the Interior furnished the committee with an official statement of the amounts of money paid on account of pensions from 1860 to 1876, inclusive, which amounted to \$310,239,274.86; while the Secretary of the Treasury furnished the committee with a statement of the amounts charged to pensions for the same period, amounting to \$321,623,678.60. Difference, \$11,384,403.74.

So the pension account is charged in the Treasury Department with a sum between \$11,000,000 and \$12,000,000 more than the Secretary of the Interior reports to have been expended.

It will be seen by reference to the tables on pages 192, 193, and 194 that the State, War, and Navy Departments all disagree with the Treasury Department as to the amounts of money received by each for disbursement, but the committee did not investigate into the causes of such discrepancies.

The committee are of the opinion that the books and accounts between the different departments ought to be so kept that all would agree, and there should be no differences as to the amounts of money charged and received.

From pages 196 to 199, inclusive, of the testimony will be found a copy of what is known as an indefinite appropriation warrant, No. 919, dated June 30, 1869. This warrant takes from the Treasury \$397,945,900.96, and it is countersigned August 7, 1869, more than a month after the fiscal year had closed—interval enough to secure accuracy and perfectness in every item. And yet seven of the various amounts, including the footing, are scratched and apparently altered; the amounts scratched

are large, ranging from \$25,000,000 to \$65,000,000, and making a total of about \$230,000,000. The committee feel that the frequency and magnitude of these erasures, coupled with the loss of so many of the original warrants, deserve more than a mere cursory notice of the facts; and, while unable to state accurately the causes, they have felt it to be their duty to call the special attention of the Senate to them.

The character of the warrant is illustrated by the portion relating to "stock ledger," which is here given :

## STOCK LEDGER.

For this sum paid on account of reimbursement of Treasury notes issued under acts of Congress prior to the act of July 22, 1846 .....	\$150 00
For this sum paid on account of redemption of Treasury notes issued under acts of July 17, 1861, and August 5, 1861 .....	20, 472 75
For this sum paid on account of redemption of United States Treasury notes issued under act of February 25, 1862 .....	* 57, 945, 850 00
For this sum paid on account of redemption of certificates of indebtedness, per acts of March 1 and March 17, 1862 .....	124, 000 00
For this sum paid on account of postage and other stamps, per act of July 17, 1862, &c. ....	203, 019 77
For this sum paid on account of payment of Treasury notes, per 9th section, act of December 23, 1857 .....	100 00
For this sum paid on account of redemption of gold certificates, per 5th section, act of March 3, 1863 .....	* 65, 255, 620 00
For this sum paid on account of redemption of 3-year 7.3 coupon Treasury notes, per act of June 30, 1864, and March 3, 1865 .....	* 36, 391, 300 00
For this sum paid on account of redemption of 2-year 5 per cent. Treasury notes, per act of March 3, 1863 .....	215, 000 00
For this sum paid on account of premium on purchase of 7.3 Treasury notes issued under acts of June 30, 1864, and March 3, 1865, per 1st section, act of July 1, 1862 .....	300, 000 00
For this sum paid on account of expenses incident to a national loan, per 1st section, act of March 3, 1864, <i>et seq.</i> , in addition to \$119,176.64 repaid .....	201, 314 11
For this sum paid on account of redemption of 3-year 6 per cent. compound interest notes, per act of March 3, 1863, &c. ....	* 25, 361, 480 00
For this sum paid on account of redemption of 3 per cent. certificates of deposit, per act of March 2, 1867 .....	* 32, 480, 000 00
For this sum paid on account of redemption of United States Texan indemnity stock, as authorized by an act of September 9, 1850 .....	4, 000 00
For this sum paid on account of redemption of 7.3 3-year coupon bonds issued under act of July 17, 1861 .....	11, 500 00
For this sum paid on account of redemption of fractional currency, under act of March 3, 1863 .....	* 26, 165, 122 99
For this sum paid on account of payments of interest on the public debt, in addition to the sum of \$8,841,674.70 repaid .....	130, 694, 242 80
For this sum paid on account of reimbursement of temporary loan, per act of February 25, 1862, &c. ....	604, 171 00
For this sum paid on account of redemption of stock of loan of 1847 ..	764, 750 00
For this sum paid on account of redemption of stock of loan of 1848 ..	7, 666, 8 1 80
For this sum paid on account of the 5th annual installment of the capitalization of the Scheldt dues, per act of March 2, 1865 .....	55, 584 00
For this sum paid on account of redemption of 1-year 5 per cent. Treasury notes, per act of March 3, 1863 .....	9, 290 00

The amounts marked with an \* are scratched and apparently altered. This is but a part of one of the many similar warrants.

Thomas J. Sullivan, accountant of the Bureau of Engraving and Printing, during his examination, testified (see testimony, pp. 229, 230, and 231):

By the CHAIRMAN :

Q. You stated that about five per cent. of the paper received for printing was returned as imperfect, and was delivered to the currency branch of the Loan Division?—  
A. Yes, sir.



Q. Imperfect sheets?—A. Yes, sir.

Q. Why are they delivered there for that purpose?—A. That is the office designated by the Secretary to receive from us the imperfect impressions and to balance our accounts.

Q. Is that the office from which you receive your paper?—A. Practically it is, although it is located in a different part of the building and, in a measure, outside the division.

Q. How near ready for circulation is the note when you deliver it to the Comptroller of the Currency?—A. It lacks only the signature of the bank officers.

Q. How is it with legal-tenders? Do the legal-tenders go through the same process you have described as to bank-notes; and do the bonds also?—A. Substantially the same; there are differences of detail, and perfect legal-tenders are delivered to the Treasurer of the United States.

Q. I understand that the legal-tender note, the greenback, as it is commonly called, is perfect and ready for circulation when you deliver it to the Treasurer and take a receipt for it?—A. Yes, sir; just as you handle the legal-tender notes when they are in circulation.

Q. Who makes the demand on your office for the amount that is wanted of legal-tender notes?—A. The Treasurer of the United States.

Q. The Treasurer orders, and you fill his order and take his receipt?—A. Yes, sir.

Q. The Register's name is on them, is it not?—A. Yes, sir; it is.

Q. Do the notes go through the Register's Office before being delivered to the Treasurer?—A. No, sir.

Q. They are delivered directly from your office to the Treasurer?—A. Yes, sir.

Q. Now, as to the bonds printed by your bureau, are they numbered by you or by the parties to whom you deliver them?—A. They are numbered by the Bureau of Engraving and Printing.

Q. Are they numbered consecutively in each class?—A. Yes, sir. Each class and denomination commences at one and runs in continuous series upward.

Q. Then a \$50 bond and a \$100 bond might be of the same number?—A. Yes, sir.

Q. And so on of any other denominations?—A. Yes, sir.

Q. A \$5,000 bond might be of the same number as a \$500 bond?—A. Yes, sir.

Q. I understand you to say that you receive the paper for a bond from the Loan Division, and you deliver the perfect bonds and the imperfect bonds back to the same division?—A. Yes, sir.

By the CHAIRMAN:

Q. I omitted to ask you about revenue stamps, whether you printed those and delivered them perfect in the same way, taking the receipt of the Internal Revenue Bureau?—A. Yes, sir; in the same way. We deliver the perfect stamps to the Commissioner of Internal Revenue, and take his receipt for them, and the imperfect to the currency branch of the Loan Division.

The above testimony shows that about five per cent. of the paper used in printing notes, bonds, &c., is returned to the Loan Division as "imperfect," having been spoiled in the processes through which it passes; that the paper is received from and returned to the Loan Division; that national-bank notes are delivered by the Printing Bureau to the Comptroller of the Currency for circulation, lacking only the signatures of the president and cashier of the proper bank; that legal-tender notes are delivered to the Treasurer by the Printing Bureau for circulation, when so delivered with the Register's name engraved thereon, but they do not pass through his office until redeemed; that bonds are delivered to the Loan Division of the Secretary's office nearly ready for use, and that revenue-stamps are delivered to the Commissioner of Internal Revenue by the Printing Bureau ready for use.

James H. Saville, now a lawyer of Washington, D. C., who was chief clerk of the Treasury Department under Mr. Boutwell, on pages 200 and 201 of the testimony testified among other things as follows:

By Mr. INGALLS:

Q. Are you familiar with what is commonly known as the difference in the statement of the accounts of the Treasury Department that occurred in 1870?—A. I am.

Q. State who prepared the tables at the time when the difference that has been adverted to first appeared.—A. When I was appointed chief of the consolidated Warrant Division I instituted an examination of the accounts of the government with a view to a publication of a financial history of the government.

Q. How long were you engaged in that examination?—A. I think about two years before I arrived at any conclusion sufficiently definite to justify me in making public any statement in the premises.

Q. When you had completed your examination what was done in connection with the accounts by way of public statement?—A. When I had completed the examination, the first result of it was the publication of a revised statement of the public debt, known as the new series, and I think beginning on the 1st of January, 1871. The first debt statement under the revised accounts was made on the 1st of January, 1871.

As the final result of the examination, I prepared a table to accompany the Finance Report of 1871, I think, in which I made a comparison of the accounts of Issues and Redemption and the accounts of Receipts and Expenditures. That disclosed a difference in the amount of the debt of something like \$116,000,000. It is a long time since I examined the table, and I would not like to state positively the amount without reference to that table, but it was something like \$116,000,000.

Mr. Saville stated that he was familiar with the changes made in 1870; that he examined the books, and when that was done he made and published, in January, 1871, a revised statement of the Public Debt. The committee have heretofore shown that this revised statement made many changes in the total amounts of the Public Debt for various years which largely increased it when compared with former published statements made by the Secretary and by the Register.

Mr. Saville also stated that the difference in the amount of the Public Debt between the former mode of stating it and the new mode was in round numbers, \$116,000,000.

On page 201 of the testimony Mr. Saville gives this explanation of the reason of the change.

By Mr. INGALLS:

Q. Now, state the reasons that induced the changed statement of the Public Debt in 1871?—A. The primary reason was that we desired to be accurate. We wanted to be able to put before the world a statement that we could swear to, if necessary.

Q. In what particulars was the statement made previous to 1871 inaccurate?—A. The statements made previous to 1871 were based, as I have stated heretofore, upon the account of Issues and Redemptions of notes and bonds. In the course of the government transactions, I discovered that owing to the views of some of the officers as to what the law compelled them to do, they had never kept an account of discount and exchange, for instance; they never had kept an account on the debit or charge side of their ledgers showing an expenditure corresponding to the issues of certain loans, as, for example—I have forgotten now the exact date, but early in the history of the country—an act was passed by Congress providing for the funding of the Revolutionary debt, which was estimated to be about \$76,000,000, and bonds were issued to the amount of about \$76,000,000 on account of the Revolutionary debt.

The witness here testifies that the primary reason for changing the statement of the Public Debt in 1871 was that they wanted it to be accurate, and to be able to put before the world a statement that could be sworn to if necessary.

It will be recollected that in the letter to Register Allison directing the changes, which was written by Mr. Saville, he said one of the principal reasons was that the different statements of the amount of the debt by different officers were unfavorably commented upon abroad.

When asked in what was the debt statement prior to 1871 incorrect, Mr. Saville referred principally to the \$76,000,000 of Revolutionary debt. The great changes and increase in the statements of the debt were for

the years between 1861 and 1870. The Revolutionary Debt had been paid off, perhaps fifty years before.

Mr. Saville says (see testimony, p. 208):

By the CHAIRMAN:

Q. Am I to understand, or not, that you examined each book, each entry on account of the Public Debt from the organization of the government down to 1870?—A. O, no, sir; I did not examine each entry. I examined each book and each account, but not in detail, so as to go to each entry. It would have taken years to have examined each entry. I had expected, I may say, to do that before I got through.

Q. The question is what you did do before these changes, if any, took place?—A. Permit me to say that I did not make any change.

Q. I said "these changes, if any." Did you take the footings, or did you make additions to see whether they were correct or not?—A. I took the footings as they appeared on the books of original entry, and the reports of Issues and Redemptions, and the footings of the ledgers of the Public-Debt accounts. I did not make additions myself; I did not go over the additions to see that they were correct.

Q. Did you take the footing of each page or the footing of a month or a quarter?—A. The footings of the year from year to year, and frequently on loans that were nearly all redeemed the footings would not vary for four or five years at a time.

This shows that the footings of a year were taken, and that the books were not carefully examined in 1870 before the many changes were made.

Mr. Saville further testifies (see testimony, p. 209):

Q. If you commenced your work in 1869 and finished it in 1871, how do you account for that table in the report of 1870, which was sent to Congress in 1870?—A. I cannot recall the facts in detail, but I presume that that table in the report of 1870 was the result of my investigations up to that time, and the subsequent investigations simply confirmed my previous examination and carried the details further.

This shows that the result of the examination made by Mr. Saville was published in the Finance Report of 1870; other testimony shows that the examination commenced in 1869, after Mr. Boutwell became Secretary of the Treasury, and that Mr. Saville did most of the work at night as he could find time. It has also been shown by the testimony of Mr. Saville and others that it would take two years with five competent clerks to make a careful examination. This would justify the belief that the order to make the changes was issued without careful examination of the books and accounts.

By reference to pages 212 and 213 will be found the following testimony of Mr. Saville:

By the CHAIRMAN:

Q. Now tell me what the amount of Public Debt was, as stated previous to 1870, for the year 1862?—A. In the Finance Report of 1869, page 317, the Register of the Treasury states the Public Debt on the 1st July, 1862, at \$514,211,371.92, and in the Finance Report of 1871, page 13, the Secretary of the Treasury states the Public Debt for 1862 at \$524,176,412.13. By the Secretary's table of 1871 the debt would appear to have been greater in the year 1862 than by the Register's table of 1869 by \$9,965,040.29.

Q. Then in that year there appears to be a difference?—A. There is a difference between these tables of \$9,965,040.21.

Q. Now take the two following years, and tell us whether there is not a difference and an increase?—A. In the two following years there is also a difference between the two tables. For the year 1863 the difference is an increase in the Secretary's statement of \$20,978,957.26, and for the year 1864, there is an increase in the Secretary's table of \$75,093,881.08.

Q. Then, as reported by the Register for the years we have named—1862, 1863, and 1864—and as reported by the Secretary in the report of 1871, and continued since, there is a difference in round numbers of \$10,000,000, \$20,000,000, and \$75,000,000 in these three years, and there is an increase in the Secretary's report?—A. Yes, sir.

Q. Then do the figures in the two reports agree?—A. They do not agree in the two reports.

Here it appears from the testimony of Mr. Saville that the system was changed in 1870, and he gives the figures which show that in 1862 the statement of the public debt was apparently increased nearly \$10,000,000; in 1863 \$20,000,000, and in 1864 \$75,000,000.

In speaking of keeping the account of the Public Debt by Issues and Redemptions, or by Receipts and Expenditures, Mr. Saville says (see testimony, p. 214):

\* \* \* \* \*

Q. Suppose it had not made an appropriation; suppose, as in the Eads jetty matter or as in the Revolutionary Debt, there was an act directing so many bonds to be issued to pay a certain debt, how would you manage if there was no appropriation made?—A. You have in the statement of the Public Debt an exact case like that, the Oregon war debt. There was no appropriation made, but bonds were issued directly to the claimants in payment of money, but no money ever came into the Treasury.

Q. How did you manage that?—A. The entry could not be correctly and legally made without a change in the law so as to authorize the accounts to be kept in the way I have suggested; but I did not prepare a bill with that end in view.

Q. But no such law has ever been passed?—A. No, sir.

Q. And yet the entries were all made?—A. You mean the entries are all made in the books?

Q. Yes?—A. Certainly.

Q. Then they were made without law, but believed to be correct?—A. The entries are not made by Receipts and Expenditures.

Q. Of course not?—A. They are made by issues.

Q. That is just my point, that you cannot make them by Receipts and Expenditures and must do it by issues?—A. The only account since the 1st of July, 1871, that I recall in which that condition of things occurs is in that northeast boundary case I have just spoken of. I know of no other except the Eads jetty issue, and I have no idea of how they did about that.

\* \* \* \* \*

Thus Mr. Saville shows that in order to state the Public Debt by Receipts and Expenditures it would be necessary to make entries for which there is no warrant of law. No good and substantial reason has yet been given for changing the Hamilton system of keeping and stating the Public Debt by "Issues and Redemptions." On this point Mr. Sherman, the present Secretary, said in the Senate in 1876:

I have often heard it complained that the system of keeping accounts in some branches of the service ought to be changed, but it is a very difficult and a very dangerous process, and I invite the careful scrutiny of any man who undertakes to improve on the work of Alexander Hamilton and Albert Gallatin and all the great men who have filled the office of Secretary of the Treasury, and to devise a better system of accounting than they with their mature minds and long experience established, and which has been enlarged with the gradual growth of our government. Their system has been the frame-work of our finances for more than eighty years. The gradual additions to the mode of accounting that have been made by law have probably made as perfect a system as can be devised. But he must be a bold man and a wise man who will undertake, without study and experience, to step in and devise a better system than this. If we had such a man, if there is such a one who is willing to undertake the task, I shall be very glad to co-operate with him. I doubt very much the propriety of any tinkering with so complicated a machine as the Treasury Department.

On page 216 of the testimony will be found the following statement by Mr. Saville concerning the dropping from the statement of the Public Debt of the Pacific Railroad bonds:

By the CHAIRMAN:

\* \* \* \* \*

Q. Have you any recollection, in making up your debt statement, of what is known as the Pacific Railroad bonds, a debt of about \$58,000,000 in round numbers?—A. Yes, sir.

Q. Do you recollect whether or not these bonds had been in the Public-Debt statement and treated as a part of the Public Debt up to 1869?—A. I think these bonds were treated as part of the Public Debt prior to the time of Mr. Boutwell taking charge of the department.

Q. When was that item dropped from the Public Debt of the United States and

treated as a separate Pacific Railroad debt?—A. I think it was in March or April, 1869. When Mr. Boutwell took charge of the department one of the first acts of his administration was to take it out of the body of the debt, if my memory serves me, and put it by itself as a Pacific Railroad debt.

Q. Ought that, or not, to have reduced the total amount of the public debt the exact amount of what was known as the Pacific Railroad debt?—A. It should have reduced the principal of the debt by the amount taken out, of course.

Q. That amount was about fifty-eight million dollars?—A. \$58,638,320 on the 1st of July, 1869, but on the 30th of June, 1868, the amount was only \$29,089,000.

Mr. Saville here says that the Pacific Railroad debt, amounting then to over \$58,000,000, was dropped or taken from the statement of the government debt in 1869, when previously it had been included in the debt statement as part of the public debt of the United States. He also says that this withdrawal of the Pacific Railroad debt ought to have reduced the total of the public debt statement \$58,638,320.

Mr. Saville also says (see testimony, p. 217):

Q. Do you recollect a letter written by you as chief clerk, for the Secretary, in 1871, to Mr. Allison, Register, in regard to some change that you wished in the manner of reporting the public debt?—A. Yes, sir. I think, perhaps, it covers more than that. I have not seen the letter for many years, but I think it probably covers all classes of accounts.

Q. (Exhibiting letter of November 24, 1871, of Mr. Saville to the Register of the Treasury, published on page 5 of this testimony.) Did you consult Mr. Boutwell before you wrote that letter?—A. I think I did.

This only confirms what several witnesses say, that the letter to Register Allison to make changes in the official Finance Report of 1871 was with the full knowledge of the then Secretary of the Treasury, and that it was meant to be and was treated as an official order by that officer.

Mr. Saville further testifies (see testimony, p. 218):

Q. The fiscal year ends in June?—A. On the 30th of June of the same year, five months prior.

Q. Was not that time enough to collect and include any warrant that might have been out?—A. Yes, sir; sixty days is time enough to have all the moneys deposited covered in.

Q. There is for that one year an actual difference between the 1869 report and the 1871 report, as changed by yourself, of nine million dollars in round numbers?—A. There is an actual difference of nine millions and more.

Q. And the statement made in 1871 by yourself increases the amount of the public debt for 1862 nine millions?—A. Yes, sir.

This is but a repetition of what has heretofore been testified to, that as the fiscal year ends on the 30th of June, months elapse before all the accounts are in fact closed, and reports of their condition made to Congress; that sixty days is time enough to have all moneys deposited covered into the Treasury, and that the statement made in 1871 did apparently increase the debt for 1862 \$9,000,000.

In reference to erasures, &c., Mr. Saville testifies (see testimony, pp. 220 and 221):

Q. Are you speaking now of the day-books and journals, or of the ledgers?—A. The day-books, journals, and ledgers, but mainly the registers, or day-books, as they might properly be called.

Q. Do you think it would be good bookkeeping to carry erasures into the ledger? Of course a ledger is made up from the day-books and journals, and do you think it would be good bookkeeping to make "lots" of erasures and alterations, as you expressed it, in the ledgers?—A. I should not call it good bookkeeping. I would not employ a bookkeeper who did much of it.

Q. Is there authority, to your knowledge, anywhere that will permit any person to alter a warrant after it has been signed by the Secretary?—A. No; I think there is

no written authority to that effect, no authority of law. Custom is the only authority.

Q. Do you say it is customary to alter warrants?—A. No; I say custom would be the only authority.

Q. Have you ever altered a warrant?—A. I presume I have; but I do not know. If I ever did alter a warrant, it was with the authority of the officer who signed it. I never altered a warrant without the authority of the Secretary of the Treasury to do it.

Q. If the Secretary of the Treasury was there to give you authority, could you not make a new warrant?—A. A new warrant could have been made to take the place of the old one.

Q. Would not that have been the proper way?—A. I think it would have been much the best way.

Q. Would you, as chief of the Warrant Division, have sent an appropriation warrant, for example, to the Secretary of the Treasury with erasures on it?—A. An appropriation warrant would not necessarily be altered, and probably never was altered. It would hardly ever be necessary to alter appropriation warrants, because they are based on the acts of Congress appropriating money.

Q. Suppose it is a permanent or indefinite warrant?—A. That would not be altered in any material matter; if it was altered in figures or language, or anything of that kind, the Comptroller would refuse to sign it, and the Register would refuse to record it, if there was an alteration or an erasure on it that was not self-evidently proper.

Mr. Saville says he would not call it good bookkeeping to make erasures in the ledgers, and would not employ a bookkeeper who did much of it; and yet thousands of erasures and alterations on the ledgers of the Treasury Department appear between 1860 and 1870. This witness says he "never altered a warrant without authority of the Secretary of the Treasury to do it," and that much the better way would have been to prepare a new warrant, and that appropriation warrants especially ought not to be altered. And yet it is shown that the large permanent appropriation warrant for 1869 has several apparent alterations upon it, and it may be that those that cannot be found are in like condition.

On page 225 of the testimony Mr. Saville, when asked if the books of the various other departments ought not to agree with those of the Treasury as to the amounts of money received and expended by those departments, replied: "They ought to agree every time." But it has been heretofore shown that there are large differences between some of the other departments and the Treasury when their books are compared.

Attention is called to the following extracts from the "Report of the Joint Select Committee on Retrenchment," made to the Senate, March 3, 1869, by Senator Edmunds, chairman.

It shows that a large amount of notes and bonds at that time were unaccounted for; that the methods of accountability and comparison between the various bureaus in the Treasury Department have been, since the war, quite imperfect and deficient and grossly careless; that bonds were duplicated, and that the signatures of the Register and Treasurer were engraved and printed from the same plates as the notes themselves; that the books and accounts between the various subdivisions of the printing establishment have been until recently (to say nothing of the defects still existing) so irregularly kept, and contain, many of them, on examination, so many erasures and alterations as considerably to diminish confidence in the accuracy of results derived from such sources. That, to put the best face on it, it is evident that the course of things there has not been such as to merit commendation in many respects; there has been inexcusable neglect and carelessness in the methods and operations of the bureau which furnished abundant opportunities of and temptations to fraud and crime by the persons connected with it.

*A condensed statement of bond and note account compiled from Senator Edmunds's report of the Joint Select Committee on Retrenchment, made to the Senate March 3, 1869.—(S. Rep. No. 273, 40th Cong., 3d Sess.)*

## DEFICIT.

Page 5	1 bond, \$1,000, unaccounted for.....	\$1,000 00
Page 26	26 bonds, 50s, not satisfactorily accounted for.....	1,300 00
Page 26	7,072 bonds, 100s, not satisfactorily accounted for.....	707,200 00
Page 26	1,037 bonds, 500s, not satisfactorily accounted for.....	518,500 00
Page 26	368 bonds, 1,000s, not satisfactorily accounted for.....	368,000 00
Page 29	4 bonds, 1,000s, unaccounted for.....	4,000 00
Total deficit in bonds.....		1,600,000 00
Page 8	2 Treasury notes, 1861, \$500s, unaccounted for.....	1,000 00
Page 16	283 7-30 coupon Treasury notes, \$50s, unaccounted for.....	14,150 00
Page 16	73 7-30 coupon Treasury notes, 100s, unaccounted for.....	7,300 00
Page 16	50 7-30 coupon Treasury notes, 1,000s, unaccounted for.....	50,000 00
Page 16	79 7-30 coupon Treasury notes, 5,000s, unaccounted for.....	395,000 00
Page 64	36 2-year 5 per cent. Treasury notes, \$50s, unaccounted for.....	1,800 00
Page 64	3,456 2-year 5 per cent. Treasury notes, 100s, unaccounted for.....	345,600 00
Page 64	104 2-year 5 per cent. Treasury notes, 500s, unaccounted for.....	52,000 00
Page 64	4,968 2-year 5 per cent. Treasury notes, 1,000s, unaccounted for.....	4,968,000 00
Page 69	476 gold certificates, \$5,000s, unaccounted for.....	2,380,000 00
Page 82	840 legal-tender notes, 10s, unaccounted for.....	8,400 00
Page 84	Postage currency, 5s, unaccounted for.....	854 00
Page 84	Postage currency, 10s, unaccounted for.....	308 00
Page 84	Postage currency, 25s, unaccounted for.....	800 00
Page 84	Postage currency, 50s, unaccounted for.....	1,532 00
Page 84	Fractional currency, 5s, unaccounted for.....	17,528 00
Page 85	Fractional currency, 25s, unaccounted for.....	46,002 50
Page 86	Fractional currency, new issue, 50s, unaccounted for.....	38,007 50
Page 90	900 certificates of indebtedness, \$1,000s, unaccounted for.....	900,000 00
Page 91	9,800 certificates of indebtedness, 5,000s, partially accounted for.....	49,000,000 00
Total deficit in notes.....		58,220,482 00
Total deficit in bonds.....		1,600,000 00
Total deficit.....		59,820,482 00
Total excess.....		440,813 00
Balance of deficit.....		59,379,669 00

## EXCESS.

Page 65	32 2-year 5 per cent. Treasury notes, \$50s, unaccounted for.....	\$1,600 00
Page 66	3,456 2-year 5 per cent. Treasury notes, 100s, unaccounted for.....	345,600 00
Page 84	Fractional currency, 10s, unaccounted for.....	57,305 00
Page 85	Fractional currency, 50s, unaccounted for.....	6,005 00
Page 86	Fractional currency, new issue, 25s, unaccounted for.....	30,303 00
Total excess.....		440,813 00

*Extracts taken from Senator Edmunds's report of the Joint Select Committee on Retrenchment made to the Senate, March 3, 1869. (S. report No. 273, 40th Congress, 3d session.)*

Page 86. In regard to the discrepancies in fractional currency, the committee remark:

"It is suggested that these enormous discrepancies are to be accounted for by a confusion of issues and denominations, and they might have occurred in that way without any criminal misconduct on the part of anybody. Whether they did, in fact, occur in that way, the committee are unable certainly to ascertain."

Page 91. In explaining the difference of \$49,000,000 in the certificates of deposit, the committee say:

"The committee believe this to be a fact, but feel bound to make the same observation as before touching such carelessness in keeping accounts."

Page 97. The committee say:

"The methods of accountability and comparison between the various bureaus in the Treasury Department, as well as their own operations, have been, since the war began, as it seems to us, quite imperfect and deficient, and in some respects grossly careless."

Page 99. In respect to the duplications of the third series of the 5.20s of 1862, the committee observe:

"But the committee are entirely satisfied that the duplicates in question were duplicated in the Treasury and not out of it. By a careful comparison with the genuine bonds and coupons in the Treasury, it seems to the committee certain that these duplicates were printed, both faces and backs, in the Treasury, and sealed and numbered in the Treasury."

Page 100. "As to the 7.30s of 1864, nothing was required to make the notes themselves perfect for issue after they left the Printing Bureau and the sealing department attached thereto, where the red seal was imprinted upon them, as they did not bear the seal of the Treasury proper, and the signatures of the Register and Treasurer were engraved and printed from the same plate as the notes themselves. The committee find that a considerable number and amount of those appear to have been duplicated originally, and it is impossible, as is said in respect to the coupons, to know certainly at this time whether these duplications are mere innocent mistakes or are fraudulent."

Page 101. In regard to the issuing of notes and bonds the committee remark:

"All these circumstances have satisfied the committee that the methods of printing, numbering, sealing, and issuing of the securities of the United States ought to be adopted which will approach the nearest to being absolutely secure against error and fraud, even if such methods should be much more expensive than others having less guarantees of protection. And it is obvious to the committee that the highest safety is to be attained by so conducting the work that no one or even two departments should have it in their power to finish any note, bond, or coupon, but that one part of the engraving on the securities should be printed by one establishment, and a succeeding part by another department, entirely distinct and separate from the first, and that the final process of sealing and signing should be done by still another distinct and separate department and in the Treasury."

Page 102. In respect to the books and accounts the committee remark:

"The books and accounts between the various subdivisions of the printing establishment have been, until recently (to say nothing of defects still existing), so irregularly kept, and contain, many of them, on examination so many erasures and alterations, as considerably to diminish confidence in the accuracy of results derived from such sources."

Of the discrepancies and difficulties in the operations of the bureau the committee say:

"To put the best face on it, it is evident that the course of things there has not been such as to merit commendation in many respects, as will be seen from the evidence herewith returned. Many things have been done which, although perhaps innocent in themselves, could but have a demoralizing tendency, and to suggest opportunities and methods of fraud to employés."

"The committee have inspected the operations of the bureau as thoroughly as possible, and have examined many witnesses in relation to it, whose testimony is returned herewith; and they have also informally conferred with and examined many others. The result is, that while we cannot find that the persons in chief charge have been guilty of any crime or intentional wrong towards the government, there has been inexcusable neglect and carelessness in the methods and operations of the bureau, which furnished abundant opportunities of and temptations to fraud and crime by the persons connected with it. How it will turn out remains to be determined when oans are withdrawn. But as to fractional currency particularly, if any fraud has occurred it can never be ascertained from redemptions unless the frauds have been enormous in amount."

We have reviewed Mr. Saville's testimony by itself, owing to the fact that he was chief clerk in the Treasury Department in 1870 when most of the apparent changes and alterations were made; and is the only person not now in the employ of the Treasury Department examined by the committee.

The committee have quoted largely from the testimony of Major Power, because he is a very intelligent man, with great experience in different divisions of the Treasury Department, was chief of Warrant Division of Treasury Department, and was selected by Secretary Sherman to furnish statements, books, and general information to the committee.



The committee have confined the taking of testimony to officers and employés of the Treasury Department, and have used in this report only such facts as are proven by the sworn statements of Treasury employés, with the exception of Mr. Saville.

Opportunity was given by the committee to the Treasury officials at the close of the examination to make such explanation as they desired, but none was made other than the testimony discloses.

#### CONCLUSIONS.

1st. The fiscal year of the United States closes on the 30th of June. The Secretary's office originates all warrants, and notifies the First Comptroller, Treasurer, and Register as to the number, character, and amount of the last warrant issued at the end of each fiscal year, while the finance and other official reports are made to Congress the following December. This allows ample time to adjust the accounts.

2d. The committee find that the official Finance Reports of the Secretary of the Treasury and the tabulated statements of the Register relative to the receipt and expenditure of the public money and of all debts due to and from the United States substantially agree up to and including the year 1869, and they all substantially agree since the year 1871, but the reports and statements of 1871 on these subjects do not agree in many and large amounts with any of the official reports made to Congress prior to 1870.

3d. The changes of figures in the statement which apparently increased the Public Debt and the Receipts and Expenditures, going back many years, took place between 1869 and 1871. In November, 1871, the chief clerk of the Treasury Department, with the knowledge of the Secretary of the Treasury, directed in writing (see letter, p. 5, of testimony), the Register, who is the official bookkeeper of the government, to make changes in or omit the Public Debt statement from his (the Register's) report.

4th. The statements of the Public Debt and of Receipts and Expenditures as contained in the Finance Report of 1871 differ widely from the previous official reports, and apparently increase the Public Debt, while the changes in the Finance Reports commenced with the year 1833 and continued till 1870, yet down to 1861 the increases and decreases in the debt nearly balanced each other, showing that the debt and the Receipts and Expenditures were stated with substantial correctness and accuracy previous to 1861.

5th. The testimony of Dr. Guilford, of the Treasury Department (see testimony, pp. 26 and 37), shows that three items, amounting to \$6,293,-827.76 were added to the statement of the Public Debt in the office of the Register in 1871 "in order to harmonize the two." These items are not on the Public Debt books in the Register's office, but were added to such statement by order of the Secretary of the Treasury.

6th. The first tabulated statement made by the Secretary of the Treasury of the Receipts and Expenditures and of the Public Debt was in 1870; previous to that date the Register only had made the tabulated statement of the Public Debt and of Receipts and Expenditures which appeared in the annual Finance Report of the Secretary of the Treasury. The Warrant Division of the Secretary's office, by means of which such changes in figures were made, was organized as such in 1870, but was not expressly recognized by law until 1875.

7th. From the beginning of the government to 1870 the Public Debt account was kept and its statements made up from the accounts known

as "Issues and Redemptions," but since 1870, from the accounts known as "Receipts and Expenditures." The changes of and apparent increases in the Public Debt statements are alleged to have resulted from the new system of making up that statement.

By this new mode it appears that the Receipts and Expenditures on account of the Public Debt from the organization of the government to June 30, 1871, were—

Total receipts .....	\$7,094,541,041 38
Total expenditures .....	4,857,434,540 51
Balance .....	2,237,106,500 87
Public debt June 30, 1871, according to Secretary's Monthly Debt Statement, and Finance Report of July 1, 1871.....	2,353,211,332 32
Difference between the two modes of statement .....	\$ 116,104,831 45

The Secretary's explanation of this alleged discrepancy will be found in the Finance Report of 1871, page 20.

8th. Up to and including June 30, 1869, the government bonds issued to the Pacific Railroad Companies were included and treated as a part of the Public Debt of the United States, and at that date amounted to \$58,638,320. In the Finance Report of 1870 this amount is dropped from the statement as part of the Public Debt, and stated as a debt of the Pacific Railroad Companies. The Public Debt ought to have been reduced by this \$58,638,320, but an examination of the figures in the statements discloses no such specific reduction.

9th. The changes in the official statements of the amounts of the Receipts and Expenditures and the Public Debt in the Finance Reports were made after four or five months' work, under the direction of his superior officers, by a new, inexperienced clerk, although the testimony shows that it would take four or five competent clerks four or five years to make a careful statement of the Public Debt and of the Receipts and Expenditures between 1860 and 1870.

10th. According to the present system of issuing bonds there is no sufficient check on the Loan Division of the Secretary's office. Legal-tender notes, national-bank notes, bonds, and revenue stamps are delivered by the Printing Bureau of the Treasury Department to the Treasurer, Comptroller of the Currency, Loan Division, and Commissioner of Internal Revenue, respectively. All should go through the office of the Register, or some other office of the Treasury Department, as a check. The report made on the Printing Bureau of the Treasury Department in 1869, by the Joint Select Committee on Retrenchment, of which Senator Edmunds was chairman, recommends the establishment of such checks.

11th. The erasures and apparent alterations upon the ledgers of the Secretary, Treasurer, and Register extend to thousands, some of them affecting millions of dollars. Entire leaves are cut or torn from some of the books, but no evidence taken by the committee discloses the fact that these erasures, apparent alterations, and mutilations were made with a fraudulent intention.

The report made in 1869, heretofore referred to, shows that there was at that time great carelessness in the bookkeeping of the Printing Bureau of the Treasury Department, and that many notes and bonds were unaccounted for.

12th. Official reports from the War, Navy, and Interior Departments of the amounts received and expended by them respectively do not agree with the amounts charged by the Treasury Department to them, but the committee did not investigate into the causes of such discrepancies.

13th. The law making permanent annual and indefinite appropriations,

except those relating to the Public Debt, Special Trust Funds, and a few other objects, should be repealed.

There should also be some adjustment of the \$28,101,644.91 deposited with the States, and other unavailables, now charged to the Treasurer as cash in the Treasury, so that the books of the Treasurer may be relieved of these items.

14th. No officer of the Treasury Department can furnish from the books a statement of accrued interest on bonds, except for 1879, which amounted to about \$1,700,000. The account of accrued interest should be kept in two or more offices.

15th. It appears that the official reports and statements of the cash in the Treasury for the fiscal years ending June 30, between 1860 and 1870, by the Secretary, Register, and Treasurer, do not agree as to the amount. Interest paid on the Public Debt for the same time is reported differently by the Secretary and Register. The Treasurer does not keep a separate account of the interest paid.

16th. The total and the net receipts and expenditures as reported by the Secretary, Comptroller, and Register at the close of the fiscal years from 1860 to 1870, differ widely from the Treasurer's report thereof.

17th. The Secretary's and the Treasurer's statements of the sinking fund and of bonds purchased therefor and deducted from the Public Debt for the years 1869 and 1870 differ widely.

18th. The original permanent indefinite appropriation warrant for 1869, transferring from the Treasury nearly \$400,000,000, has scratches and apparent alterations on its face affecting items amounting to more than \$200,000,000. Similar original warrants for 1868 and 1870 cannot be found, and are said to have been missing for several years, but duplicates and triplicates of these warrants are preserved in the department.

19th. The committee have not examined as a witness any person not now employed in the Treasury Department, except Mr. Saville, who was chief clerk at the time of the changes. The subject-matter of inquiry has been so extensive that although the committee have given to it much labor and earnest attention, they feel satisfied that much has been left undone.

#### RECOMMENDATIONS.

I. The legal-tender notes are delivered by the Printing Bureau to the Treasurer ready for circulation. The Register's name is printed on them, but they do not pass through his office until redeemed.

National-bank notes are delivered by the Printing Bureau to the Comptroller of the Currency ready for circulation, without the bank officers' names.

Internal-revenue stamps are delivered by the Printing Bureau to the Commissioner of Internal Revenue ready for use.

Bonds are delivered by the Printing Bureau to the Loan Division of the Secretary's Office *nearly* ready for issue.

All imperfect notes, stamps, and bonds are returned to the Loan Division, which is the same division that delivers to the Printing Bureau the paper from which they are made.

The committee recommend that all notes, stamps, and bonds pass through the office of the Register, or some other office of the department, before delivery to the above officers or being put in use.

II. Heretofore the bonds issued have passed through the Loan Division of the office of the Secretary of the Treasury and through the Register's office. The committee think they should also pass through the

Treasurer's office, so as to ascertain that the money for each bond issued has been received by the Treasurer.

III. The Secretary of the Treasury, the First Comptroller, the Register, and the Treasurer should each make annually to Congress a full, true, and plain tabulated statement of the Receipts and Expenditures of the government, including the Receipts and Expenditures on account of the Public Debt, properly classified and so stated that all four statements could be easily and readily compared each with the other, and in making such statements the Comptroller, Register, and Treasurer should not be subject to orders from the Secretary of the Treasury, but should make the same from the books kept in their respective offices.

IV. According to the practice in the Treasury Department, all warrants for receipts and expenditures originate in the Warrant Division of the office of the Secretary of the Treasury, and all moneys are received and paid out by the Treasurer. The committee are of opinion that the receiving or covering in and expenditure warrants should be issued from different divisions and also the Receipts and Expenditures should be kept in separate divisions, the heads of such divisions to be appointed by the President and confirmed by the Senate, and required to give bonds and each to report annually through the Secretary to Congress a statement of all warrants issued and moneys received and expended.

V. When the Register of the Treasury or any other official whose duty it is to make reports to Congress, after making such reports, it should not be in the power of the Secretary of the Treasury or the President to order a change to be made in the same, but if errors should be discovered they should be reported to Congress for action.

VI. The committee suggest that the following officers ought to be appointed by the President, confirmed by the Senate, and give a reasonable bond, to be fixed by the President or Secretary of the Treasury, viz:

Chief clerk of the Treasury Department.

Chief of the Warrant Division.

Chief of the Loan Division.

Assistant Treasurer.

Chief of the Bureau of Printing and Engraving.

That the term of office of the collectors of internal revenue ought to be four years, as all other Presidential offices are.

VII. The committee recommend that all permanent annual appropriations, except Interest on Public Debt, Sinking Fund, funding of the Public Debt, and Special Trust Funds, be repealed and hereafter annually appropriated for by Congress. Also, what is known in the Treasury Department as deposits with the States, and unavailables, should be adjusted; that Unclaimed Interest and what is known as Unclaimed Old Debt be covered into the Treasury, and when claim is made for any part thereof that the accounting officers of the Treasury examine and state the account subject to the same conditions as govern unexpended annual appropriations.

VIII. The committee approve of the recommendation made by Secretary Woodbury, in 1834, repeated by Secretary Sherman in the last Finance Report, that a standing committee be appointed to examine, consider, and report the Receipts and Expenditures of the government, with power to send for persons and papers, and examine the books and accounts of the Treasury, and into all memoranda relative to the receipt and expenditure of public money, either by the department at Washington or elsewhere; and also shall have power to examine into the ques-

tion of the number of employ  s of the government and their compensation, and report to each regular session of the Senate.

*Resolved*, That a copy of this report be furnished the Secretary of the Treasury, and he be directed to report to the Senate, at the next regular session, whether or not changes could be made in the mode of conducting the business in his department which would provide additional checks and secure greater safety in the issuing and keeping of public moneys and securities; whether the present system of keeping accounts and books, issuing warrants, and of receiving, keeping, and paying money can be improved; also whether any employ  s in any bureau or division of the department can be dispensed with, or transferred to other bureaus or divisions, where additional force may be needed; and generally to submit his views as to what changes will add to the safety of the public moneys and securities, and tend to efficiency, economy, and security, and the general good of the public service.

*Resolved*, That the Secretaries of State, War, Navy, and Interior Departments, Postmaster-General, and Attorney-General, be directed to report to the Senate, at its next regular session, what changes, if any, of the laws regulating the management of their several departments, or of the divisions and bureaus thereof, are necessary or would be beneficial in promoting the efficiency or economy of their administration or management; to state what additional guards or checks, if any, would conduce to the greater security of the public money disbursed by any of them, or of the public property and its proceeds which is in their charge. They are directed to set forth the mode in which the accounts for their departments are kept with the Treasury, and in what mode the present system can be improved, if change is needed, and to state what changes, if any, in the clerical and other force in the various bureaus of the several departments, could be made in the public interest. They are directed generally to furnish the Senate with such information as in their judgment would enable it to pass the necessary laws and regulations to carry out their recommendations.

## VIEWS OF THE MINORITY.

The immediate occasion for the appointment of this select committee was a speech delivered in the Senate of the United States by the Senator from West Virginia [Mr. Davis] on the 13th of January, 1876, in which he asserted that the various tabulated statements of receipts and expenditures relating to the public debt, contained in the Finance Report of 1870, differed from like tabulated statements contained in the Finance Reports of previous years, and charged that the report of 1871 changed the figures and increased the public debt over former reports from the same department.

The resolution appointing the committee was adopted on the 19th of November, 1877, and authorized the investigation of "the Finance Reports, books, and accounts of the Treasury Department, particularly with reference to the differences, discrepancies, and alterations in the amounts and figures that have been made in them, if any such there may be, especially in the annual statements of the expenditures of the government revenue collected, and the public debt contained in such reports."

The duty devolved upon the committee by this resolution presupposed a technical knowledge on their part, of the system of accounting in the Treasury Department, or required that they should be assisted in their investigation by some person expert in such matters. The amount of labor involved in the investigation, if it were to be made full and complete, was scarcely to be comprehended by those not familiar with the business operations of that department. No member of this committee possessed the technical knowledge of the department accounts which would enable a thorough investigation to be made, and it became necessary, therefore, to employ some person as an accountant to make the examinations.

Mr. William Woodville was engaged by the committee for this purpose, with Edward Byrne, J. J. Sanborn, and J. W. Gentry as assistants, but two of said persons being employed at the same time. In the process of their investigation, the committee examined various officers of the department now in service, and, in addition, Mr. James H. Saville, who, at the time of the alleged changes, was chief of the Warrant Division, and subsequently chief clerk in that department.

They found that some time in 1869 an examination of the tabulated statements which had been up to that time printed in the Finance Report, and had been prepared by the Register, disclosed the fact that they contained errors and discrepancies, whereupon the chief of the Warrant Division, with the approval of the Secretary of the Treasury, caused the Treasury accounts of receipts and expenditures to be analyzed, with a view to the preparation of a more accurate statement of the receipts and expenditures under the several heads than had previously been made.

This examination showed that the printed statements of the public

debt of the United States, as the same had appeared in the Finance Reports up to 1870, contained errors and omissions, not in any manner affecting the correctness of the original accounts, or reflecting in any way upon the integrity or accuracy of the previous officers or employés of that department, but occurring mainly because of errors inseparable from a business of such magnitude, or growing out of incomplete analysis; failure to consider items of account as belonging under special heads, although they might bear technical names not fully indicating their proper relations; and in many instances overlooking the fact that defective legislation had varied the system of accounts without providing adequate remedies for the resulting errors.

The result of this examination was first printed in the Finance Report of 1870 as Table H on page xxv. This table, prepared from the records of the office of the Register of the Treasury, was made by clerks in the Secretary's office, while the tabulated statements compiled by the Register of the Treasury, and printed in the same Finance Report on page 276, continued to reprint the old figures as the same had appeared in all previous Finance Reports, thus showing a discrepancy in two statements that purported to relate to the same subject. These differing statements attracted attention in Europe, where the then Assistant Secretary of the Treasury was engaged, in connection with the syndicate, in placing the new funded debt, and in a letter to the department he called attention to them, and to the fact that the discrepancies were unfavorably commented upon. Thereupon, on the 24th of November, 1871, the chief clerk of the Treasury Department, with the approval of the Secretary, addressed the following letter to the then Register of the Treasury (testimony, p. 5):

TREASURY DEPARTMENT,  
November 24, 1871.

SIR: I have to request that the statement of the public debt on the 1st day of January in each of the years from 1791 to 1842, inclusive, and at various dates in subsequent years, to July 1, 1870, as printed on page 276 of the Finance Report for 1870, may be omitted from your tables in the forthcoming reports, or else that it be corrected to conform to Table H on page xxv of the same report for the same year.

This request is made in consequence of a letter from the Assistant Secretary of the Treasury, now in London, who complains that these different tables are frequently referred to in England, and the discrepancies between them constantly and unfavorably commented upon.

The table found on page xxv is, I believe, as nearly correct as the examination of the accounts up to the present time will enable it to be made, though I am under the impression there will be some changes necessary in order to make it absolutely reliable.

Very respectfully,

J. H. SAVILLE,  
Chief Clerk.

HON. JOHN ALLISON,  
Register of the Treasury.

Since that date, the tables of the Secretary and of the Register have agreed. The statement of the public debt as contained in the Finance Reports prior to 1870, and the Register's statement for 1870, were made from the accounts kept in the Register's office known as "Issues and Redemptions." The tabulated statements of the public debt as contained in the Finance Reports of 1871 and subsequent years, were made from the accounts of "Receipts and Expenditures" as kept in the Register's and Secretary's offices, supplemented, corrected, and compared with the accounts of "Issues and Redemptions." There were various discrepancies between these two tables or statements, arising mainly from the different data from which they were derived, but also in some instances because of the correction of errors and omissions which had from time to time occurred in making them up; but none of these dis-

crepancies, except the errors and omissions, indicated that either statement was wrong when viewed from its respective standpoint. In order, however, to disarm unfavorable criticism in consequence of these discrepancies, the Secretary of the Treasury, in his report of 1871, at page 20, printed a note explaining the cause of the difference. This note is as follows:

The statement of the receipts and expenditures, on account of the principal of the public debt, as per Tables M and N, shows the net receipts from the organization of the government to June 30, 1871, to have been .....		\$7,094,541,041 38
The expenditures for the same period were .....		4,857,434,540 51
Leaving .....		2,237,106,500 87

as the amount of the principal of the public debt outstanding and unpaid on June 30, 1871.

The amount of the principal of the public debt, outstanding and unpaid, as shown by the monthly debt statement for July 1, 1871, and Tables I and L, is \$2,353,211,332.32, showing a difference of \$116,104,831.45 more outstanding by debt statement than by the statement of receipts and expenditures. This difference is thus explained: The following stocks were issued in payment of various old debts and claims, but in the transactions no money ever came into the Treasury. On the maturity of the stock it was paid off, showing an expenditure where there had been no corresponding receipt:

Revolutionary debt of the several States, estimated.....	\$76,000,000 00
Mississippi stock, exact .....	4,282,151 12
Louisiana purchase, exact .....	11,250,000 00
Washington and Georgetown debt to Holland, exact .....	1,500,000 00
United States bank stock, exact .....	7,000,000 00
Six per cent. navy stock, exact .....	711,700 00
Texas purchase, exact .....	5,000,000 00
Mexican indemnity, fourth and fifth installments, exact .....	303,573 92

In addition to the foregoing, the following amount is to be added, being composed of discount suffered in placing loans, interest paid and erroneously charged as principal, and various errors in settling and stating loan accounts. All of these latter and the Revolutionary debt are now being investigated, and will be explained in a future report in detail .....

10,057,406 41

116,104,831 45

It must be borne in mind, in reading this explanation, that the errors alluded to are not such as in any manner affect the cash account of the government, or reflect upon the integrity of former officers of the Treasury. A part of the differences has arisen from a want of knowledge and care on the part of subordinate clerks in stating loan accounts, but much the larger proportion has occurred from a want of unity, *system*, and *proper method* in the accounts as heretofore kept in the department. And these latter defects are partly owing to a want of sufficient legislation to enable the accounts to be properly kept. A bill was presented to Congress at its last session which was intended to supply this deficiency. It passed the House, but was not reached in the Senate. Until there is legislation, these errors and defects in the accounts must be perpetuated, and others must be made.

As an illustration of the class of differences which require legislation before they can be corrected, the two following are given: In 1850 there were \$5,000,000 in bonds issued to pay Texan indemnity. For these bonds no money was ever received, and therefore there is no entry representing them on the credit side of the account, as in ordinary loan transactions. When the stock matured it was paid out of the Treasury and charged in the loan accounts, thus erroneously reducing this account by just the amount paid. The loan of February, 1861, was sold at a discount of \$2,019,776.10. Only the difference between the amount of this loan and of this discount was received into the Treasury. The loan appears in the debt statement at the par of the issue, but in the receipts and expenditures it can only appear (for want of a premium and discount account) at the actual amount of money received for the loan.

This explanation is brief, simple, and conclusive.

On the receipt of the letter of the chief clerk, above referred to, the



then Register of the Treasury objected to obeying it, and taking it to the Secretary stated his objections and the reasons therefor.

William P. Titcomb, on page 20, says:

Q. Do you know of Register Allison going in person to the Secretary to remonstrate against making changes relating to the accounts previous to the time the order was received?—A. He informed me that he had stated to the Secretary that in his judgment it was not worth while to correct the statements that had been published during the former administrations, and I understood that that letter of Mr. Saville was received subsequently to his making that statement to the Secretary. I understood him to state that that was a question of expediency in his judgment, that he would not have corrected a statement that had been made by former administrations in regard to the public debt, or receipts and expenditures, and published, even if he knew it to be erroneous. His language was something like this, that he would have taken it up as he came into office and made every statement correct, and let the old statements stand to take care of themselves.

William Guilford says, on page 23:

By the CHAIRMAN:

Q. Do you know whether the Register made the change willingly, or whether he thought it ought not to be done?—A. He told me he objected to it on the ground that he did not think it well to disturb any past and back statements, and that he remonstrated with the Secretary about changing it.

Q. What was the reply?—A. I do not know the words of the reply, but the Secretary sustained Mr. Saville in demanding the change.

Joseph T. Power says, on page 65:.

By the CHAIRMAN:

Q. Do you know whether the Register thought it or not a proper thing to do to carry out the instructions of the letter?—A. The Register objected very strongly to the change suggested in the letter, and my recollection is that he presented his objections to the Secretary.

Q. In person or in writing?—A. In person.

Q. Do you recollect the result of the objections?—A. I only know what Mr. Allison, the Register, stated as the result at the time.

Q. Now tell us what Mr. Allison stated to you at the time as having taken place between him and the Secretary?—A. My recollection is that about this time the subject of the change in the manner of stating these accounts was before the department, and whether immediately before or after the receipt of this order Mr. Allison communicated to me the fact that he had had an interview with the Secretary, and had given his views that these changes should not be made.

These changes merely involved corrections of figures in tabulated statements, and did not require any alterations of the books of record in the department.

Joseph T. Power, page 96, says:

By Mr. DAWES:

Q. We are instructed to put a question to you, which I have not heard yet, and I will put it. Do you know of the alteration of any figure upon any book in the Treasury Department?—A. I do not, except to correct clerical errors.

Q. Do you know of the alteration of any amount as stated in any book in the Treasury Department?—A. I do not.

Q. Do you know of the alteration of any figure in the Finance Report made by this department in any year after it had gone out from the department?—A. No, sir.

Q. Do you know of the alteration of any amounts in any Finance Report issued by the Treasury Department after its final issue?—A. No, sir.

The same witness says, on page 99:

Q. In 1870, was an effort made to go back over all the books to ascertain what was the difference between the actual debt and the actual receipts and expenditures on account of the debt?—A. Yes, sir.

Q. In going over that examination, were any figures altered?—A. Not one.

Q. The accounts remain to-day as they were before that work was undertaken?—A. Precisely.

By the CHAIRMAN:

Q. Was or was not the amount from 1833 down to 1870 changed each year when you

made the revision of the public debt in 1870?—A. The amounts were not changed. A different statement was made showing different results.

Q. I understood you, in answer to Mr. Dawes, to say that the books had not been changed and that the figures upon the books were the same now as they were previous to 1870. Did I understand you correctly?—A. Yes, sir.

Q. Do you know that personally?—A. I rather know the negative of it. So far as I know, I have never known of a single change. They could not be changed to effect a purpose.

Q. Do you know of any alterations, erasures, or scratches that would change the amount in figures upon any of the books?—A. As fixed at the time the entry was made, do you mean?

Q. At any time.—A. The results on the books, as balanced each quarter or each year or each month, have remained the same as they are at present.

Q. That is not an answer to the question. The question was, do you know yourself of any erasures or alterations or changes of figures upon the books themselves?—A. I have seen where a wrong entry had been made, and it had been corrected, but that was a contemporaneous change in the entry.

Q. Was that made by a counter entry, or was it made by erasing a figure and placing another one in its place?—A. It was just correcting a blunder of the clerk.

Q. I am asking how it was made.—A. I should have to refer to the particular instance, which may have been one way or another.

Q. Have you not any in your mind?—A. I have none. I have seen cases where a warrant started from the Secretary's office, and was not granted by the Comptroller, and it had to be returned. In that case the entry was canceled. That is the only kind of erasures that ought to appear upon the books and that I know of on the books.

And the same witness says, on page 102:

By Mr. DAWES:

Q. Is it true that all the books of the department, including those of the Treasurer himself, are finally balanced once each quarter?—A. They are once, each quarter at least.

Q. And have been since the foundation of the government, as far as you know?—A. Yes, as far as I know.

Q. Have you ever known or heard of a single figure of those balances being changed since the balances were made?—A. I have never known a single figure being changed in any of the balances since they were first determined.

Lewis D. Moore, at page 103 of the testimony, says:

Q. Do you know of any change of figures in your books by anybody?—A. O, no. I have had charge of them always; I started them.

Q. You have made no change of figures, have you?—A. None at all.

Q. You know of nobody else having made any?—A. No, sir.

Q. Of the amounts in your books?—A. Not a particle. Everything is as it has been put down.

Q. Do you know of any such change in any book in the department?—A. I do not.

Perhaps the most conclusive testimony upon this point is that of J. T. Power, the present chief clerk, on page 99 of the testimony:

By Mr. DAWES:

Q. Could any other experts go over this same ground with the books now that was gone over by the Treasury officials before this change in the mode of statement was made?—A. They would find the same results on the face of the books.

Q. Every figure is there now that was when the work was undertaken?—A. Yes, sir.

And the following from the testimony of James H. Saville, chief clerk at the time the corrections were made, and who supervised and directed the examinations which developed these various errors and led to their correction; on page 204 of the testimony he says:

By Mr. DAWES:

Q. Do the data from which you made this comparative statement now exist in the Treasury Department?—A. I do not think they do, except in a fragmentary shape and as continued by a gentleman by the name of Bayley, whom I had appointed for the special purpose of assisting me.

Q. I do not mean your minutes, but the data from which they were compiled.—A. The data all exist in the department.

Q. Could any man with your skill and patience and labor retrace your steps!—A. Without any difficulty, from the records as they exist.

Q. In the Treasury Department?—A. Yes, sir; without any difficulty.

Q. They exist without any change of figures?—A. Without a change or alteration or a scratch of any kind. You will probably find on some of the accounts which I examined, in my own handwriting, lead-pencil notes calling attention to errors in the statements of the clerks who made them.

Q. But has a figure been altered, so far as you know?—A. No figure has been altered in the records of the department or papers of the department.

Q. If the government should choose to continue the old mode of stating the public debt, the means of continuing it exist in the Treasury Department?—A. It is continued in the Treasury Department to this day—in the Loan Division of the Treasury Department.

Q. The same old mode?—A. The same old method; and if they do as I instructed the clerks to do when I had charge of the department, every month a debt statement made from the Receipts and Expenditures in the Warrant Division is compared with a duplicate debt statement made from Issues and Redemptions in the Loan Division.

Q. So that if the government should determine to go back to the old method of stating the public debt, they have but to refer to the books in existence in the department?—A. That is all; simply refer to their own records unchanged and unaltered in a single line or figure.

R. A. Bayley, on page 119, says:

Q. Were any of the figures on the books of the Treasury Department, from which you made your statement, changed during the examination which brought out this result?—A. No, sir; not the slightest change was made.

Q. So far as you know, those figures remain to-day as they were when they were first made upon the books, from 1879 to the present time?—A. Yes, sir; exactly.

James Gilfillan, Treasurer, on pages 161 and 162, says:

Q. I think you stated when you were here before that you had a set of books in your department that were compared once in three months with corresponding sets in others?—A. I render my account quarterly to the accounting officers.

Q. Of all your transactions quarterly?—A. Yes, sir.

Q. Annual accounts too?—A. Yes, sir.

Q. Is the account so rendered entered on permanent books of the Treasury Department?—A. Yes, sir.

Q. Have those accounts since you have had knowledge of them been changed after they were rendered?—A. No, sir.

Q. In any particular?—A. Not in any particular.

Q. Could they be changed on other books of the Treasury Department without its being detected by your books? After they left you and went on the other books, if they were finally entered upon other books different from yours, of course your books would detect the difference?—A. If there was a misentry of a warrant the statements of the different offices would differ.

Q. You render an account and it is closed once a quarter, and that account is entered upon some books which the Auditor and Comptroller keep?—A. Yes, sir.

Q. Then does it not follow that if it is changed on their books after it is entered, your books would detect it?—A. If they were examined, but there would be no risk, it seems to me, unless the Treasurer's account was also altered.

Q. What do you mean by "risk"?—A. No risk of loss. It would certainly be detected by the Register after it passed the two accounting officers.

Q. If there should be any alteration while the account was in their offices it would be detected, after it passed their offices, in the Register's office?—A. Yes, sir.

Q. Would it not be detected also by going back to your office?—A. I do not know that any difference between my books and the books of the First Auditor or of the Comptroller would be detected by me afterwards.

Q. Why not? Suppose the account you rendered was not faithfully entered upon their books, but was changed for some purpose, would not their books side by side with yours show the difference?—A. A change of the account would most certainly be discovered.

Q. Or, if after it had passed them you should change your own books, their entries would detect the change in your books? Suppose you take your books after you have rendered your account, and change them by erasing figures, could that be done without being detected?—A. No, sir; there are too many checks.

Mellen C. Hooker, custodian of records, on page 164, says:

By Mr. DAWES:

Q. Do you know as a fact that there ever has been a warrant in the Treasury Department altered after it has been signed by the Secretary?—A. I do not.

Q. Take the apparent erasure on this register of the warrant dated June 30, 1870; is there anything there to show that it was not to correct a mistake made by the penman when he copied it?—A. I cannot see anything which does not show that fact.

Q. If the penman when he copied it found, after comparing his copy with the original, that he had made a mistake in a figure in that entry of \$1,166.67, would not that fact necessitate also a change in the footing?—A. Certainly, it would.

Q. Is not the appearance of this book perfectly consistent with the idea that there was a clerical mistake made by the penman when he copied it?—A. It is, in my opinion.

Q. Is there the slightest evidence in existence anywhere to your knowledge to the contrary?—A. There is not.

None of these changes affected the actual amount of the debt then or at any previous date issued or outstanding. All the tabular statements were simply *compilations* from the books, which were likely to vary with the judgment or accuracy of the persons making them, and it necessarily follows that the differences between them are mainly differences of standpoint, not differences in fact.

These differences are thus detailed and explained by the clerk who made the original revision in 1870, and who has ever since been engaged in analyzing them.

R. A. Bayley, on pages 119, 120, 121, and 122 of the testimony, says:

By Mr. INGALLS:

Q. I understand you to say that you have completed the work that you were directed to perform, in reference to a complete analysis of the public-debt statement as compared with the amount of receipts and expenditures?—A. Only so far as that table goes.

Q. Are you able to state what is the exact difference actually existing? There is an apparent difference of \$116,000,000 in round numbers, as stated by your table. What is the exact difference actually existing between these two statements of account?—A. Do you mean between the table as there shown and the public-debt statement as issued?

Q. I want to know the fact whether there is any difference at all between the amount of money that has been expended and the amount that has been appropriated?—A. If I understand you aright, I say no, sir.

Q. You say there is none?—A. None; but perhaps I do not exactly understand you.

Q. In the Finance Report of 1872, on page 18, in Table I, appears a statement of the differences between the several accounts, "showing the outstanding principal of the public debt, with an explanation thereof, so far as the examination of the accounts has progressed." What I desire to obtain from you is a statement as to whether there is any actual difference between the amount of the public debt and the accounts that you have examined and have stated in your table which appears on page 18?—A. Only the difference accounted for by the note there printed, if I understand the meaning of the question aright. They are both the same, substantially. Under present circumstances, there must always remain a difference of \$116,000,000, in round numbers, as shown by the note in the report before you.

By Mr. DAWES:

Q. State now of what items that \$116,000,000 is made up.—A. It is thus made up, as stated in the note:

French farmers-general loan .....	\$153,688 89
French loan of eighteen million livres .....	3,267,000 00
Spanish loan of 1781 .....	174,017 13
French loan of ten million livres .....	1,815,000 00
French loan of six million livres .....	1,089,000 00
Balance of supplies due France .....	24,332 86
Dutch loan of 1782 .....	2,000,000 00
Dutch loan of 1784 .....	800,000 00
Debt due foreign officers .....	186,988 78
Dutch loan of 1787 .....	400,000 00
Dutch loan of 1788 .....	400,000 00
Interest due on the foreign debt .....	1,771,496 90
Domestic debt of the Revolution, <i>estimated</i> .....	63,918,475 44

The above are the details (so far as the progress of the examination has developed them) of the item in the Finance Report of 1871 (page 20), "Revolutionary debt, *estimated* \$76,000,000."

Mississippi-purchase stock .....	\$4,282,151 12
Louisiana-purchase stock .....	11,250,000 00
Washington and Georgetown debt assumed by the United States ....	1,500,000 00
United States Bank subscription stock .....	7,000,000 00
Six per cent. Navy stock .....	711,700 00
Texas-purchase stock .....	5,000,000 00
Mexican indemnity stock .....	303,573 92
Bounty-land scrip .....	233,075 00
Tompkins fraud in loan of 1798 .....	1,000 00

The following amounts represent the discounts suffered in placing the loans named; only the money actually received was covered into the Treasury. The difference between this and the face value of the stock issued was the discount. To make the receipts and expenditures on the loan accounts correct, these discounts should be credited to the loans as receipts and charged to a discount account.

Loan of 1796 .....	Discount .....	10,000 00
Loan of February, 1813 .....	do .....	2,109,377 43
Loan of August, 1813 .....	do .....	988,581 95
Ten-million loan of 1814 .....	do .....	1,983,896 25
Six-million loan of 1814 .....	do .....	1,076,826 97
Undesignated stock of 1814 .....	do .....	93,868 95
Loan of March, 1815 .....	do .....	588,820 93
Loan of February, 1861 .....	do .....	2,019,776 10
The foregoing are the details of the difference of \$116,105,081.45, so far as the examination of the public-debt accounts has progressed.		
There still remains to be explained .....		942,433 83
Total .....		116,105,081 45

Q. When did this \$116,000,000 first appear in the Finance Report?—A. The first note is in 1871.

Q. When did this \$116,000,000 first appear; what is it a discrepancy between?—A. The discrepancy is between the amount received on account of loans and Treasury notes.

Q. In the published reports in which year did it first appear to make a discrepancy?—A. In 1870.

Q. Under what head?—A. Under the head of Tables K and L.

Q. What are their names?—A. "Statement of the receipts and expenditures of the United States."

Q. That made a discrepancy of \$116,000,000 between that statement and what other statement?—A. And the amount of the public debt as shown at that time by the debt statement.

Q. This \$116,000,000, then, first appeared there?—A. Yes, sir.

Q. It first appeared in what?—A. It first appeared in the Finance Report of 1870, the amount itself; the note in 1871.

Q. It first appeared in what part of the Finance Report of 1870?—A. In the tables K and L.

Q. Tables which show what?—A. Which show the receipts and expenditures from 1789 to 1870.

Q. In the table of receipts and expenditures there appeared \$116,000,000 more that year than when? What is the discrepancy in these tables with; what do they differ from?—A. The difference between the receipts and expenditures differs from the public debt statement that amount. That is my understanding of it.

Q. That year for the first time?—A. Yes, sir.

Q. Which is the larger?—A. The public debt statement.

Q. The public debt statement was that year \$116,000,000 larger than what—what is this difference about?—A. It is a difference between the amount as shown by the receipts in these tables on account of loans and Treasury notes and the expenditures on account of the redemption of the same—between that balance and that shown by the public debt statement at that date.

Q. That difference appeared for the first time in the published reports in what year?—A. Eight hundred and seventy.

Q. It arose from including in one of the statements the items which you have given. Were all the items which you have given that make up the \$116,000,000 ever published before in the Finance Report?—A. No, sir.

Q. They were published that year for the first time?—A. Yes, sir; that is, in the year 1871.

Q. And that increased the amount of the public expenditures by the sum of \$116,000,000?—A. No, sir; there was no increase.

Q. It increased the amount stated in the report when published for the first time; or what effect had it?—A. It was included in the aggregates as published. There is no mention of the difference in any shape in 1870.

Q. It was included in the public expenditures in 1870?—A. Yes, sir; in that table.

Q. Was it ever included in the table of public expenditures before that time?—A. I think very likely it was. It must have been, so far as the expenditures were concerned.

Q. If it had always been included, how came it, then, to make a difference in 1870?—A. It did not make any difference; there was no difference.

Q. Then you have not accounted for how a difference in 1870 arose by including \$116,000,000?—A. I have not pretended to.

Q. Will you make the effort?—A. I have attempted to explain, by this note, why it is that the difference between the receipts from loans and Treasury notes and the redemptions of loans and Treasury notes does not agree with the public-debt statement of that day.

Q. Why do they not agree with it?—A. For the very reason I have stated.

Q. Because in one of them these items are included and in the other they are not?—A. No, sir; because in the receipts from loans and Treasury notes are included all moneys received for that purpose, and in the expenditures are included all the money which has been paid out for redemption of the public debt. The government having received no money for these items which I have named here, of course they cannot appear as receipts.

Q. Do you mean to say, then, that it is because in the receipt column this \$116,000,000 does not appear?—A. Yes, sir.

Q. While it does appear in the redemption column?—A. Yes, sir.

Q. Is that the whole explanation of this difference?—A. Yes, sir.

Q. The reason why it did not appear in the column of receipts arose from the mode of keeping the books in those times?—A. No, sir; it arose from the fact that no money was received, the bonds or stock having been issued to pay indebtedness.

Q. It arose from the fact that the books which kept the account of receipts only have no place in them for these items?—A. Certainly. They did not belong there.

Q. And you obtained those items from another source?—A. I obtained those items from the statements of redemptions and expenditures on account of the public debt.

Q. Were all the items that make up the \$116,000,000, or were they not, on the books of the Treasury Department?—A. So far as the expenditures go, they were.

Q. Were you enabled to make up the amount of this \$116,000,000 from data on the books of the Treasury Department?—A. Yes, sir; wherever I attempted to; that is to say, when it was necessary for me to go to the books. If I had any doubt of anything, I went to the original books to see it.

Q. You made it up entirely from books of some kind?—A. Entirely from the accounts of the government.

Q. Did you make up this whole amount of \$116,000,000 from data that came from the books of the Treasury Department?—A. Yes, sir.

As to these the committee's expert, William Woodville, on pages 186 and 187, says:

Q. Take the public debt, treated by Receipts and Expenditures instead of Issues and Redemptions, how much difference does there appear to be by that statement?—A. \$116,000,000, in round numbers.

Q. Does that agree in amount with the statement made and found in the Finance Report of 1871, made up by Mr. Bayley, who gave testimony here?—A. No, sir; it agrees with the Finance Report of 1876, page 18, because there were some other things brought in in the mean time.

Q. How much difference was there?—A. \$250.

Q. Then the statement you have been questioned about by Senator Ingalls, and the one produced here by Mr. Bayley, the Treasury clerk, agree within \$250?—A. Exactly. They are precisely the same when divided into periods.

Q. They would have agreed, but that he stopped in 1871 and you went further?—A. I went to 1879, and in the mean time there has been an expenditure where there has been no corresponding receipt. If you state the public debt by Receipts and Expenditures, every expenditure where there has been no receipt will make a corresponding discrepancy in this way of stating the public debt.

By Mr. DAWES:

Q. And that is the explanation of this whole trouble?—A. Yes, sir.

By the CHAIRMAN:

Q. Then I understand that in making up the debt by receipts and expenditures

instead of the way it was formerly made up, by issues and redemptions, there is a difference of \$116,000,000.—A. Yes, sir.

Q. And that is principally from the fact that bonds were issued for which no amounts went into the Treasury, and when they were redeemed money went out of the Treasury for them?—A. Yes, sir. There is another thing. If a loan is sold at a discount, the difference between the receipts from that loan and the par value will make exactly a corresponding discrepancy in this way of stating the public debt.

The Register accepted none of these changes blindly or simply in obedience to orders. He caused an examination to be made of the books and accounts in his office, the result of which is stated by the present Register of the Treasury, as follows:

By the CHAIRMAN:

Q. The Register had kept an account from the earliest day of the government; the organization of the office shows that he has been the official bookkeeper of the government; but instead of comparing his own statements as previously made to Congress, he adopted under the instructions of that letter such statements as was sent him from the Secretary's office. Is that the true statement of it?—A. Yes, I may say that, in the main; but by comparing the receipts and expenditures account, which was registered in our office, they were found, I believe, to agree in the main with those in the Secretary's office. But there were no changes made in the books. My understanding is, that after the order from Mr. Saville the report made in the Secretary's office was adopted by the Register; but there has been, also, at the same time an examination of the books in the Register's office another set of books, by which it was ascertained that the report in the Secretary's office was the correct one. I have stated that one reason why the books kept by the two offices did not agree was, that one was kept by "issues and redemptions," and the other by "receipts and expenditures," which would cover all redemptions. Another subject of difference was the trust fund belonging to the government. They were sometimes put in the public debt, and sometimes omitted.

William P. Titcomb says, on page 13:

Q. What did the changes involve?—A. It was believed that the changes involved corrections, and that after the changes were made the statements were more nearly the absolute facts. As I understand it, the changes were based on the belief that the former statements had not been so absolutely correct.

And the same witness, on page 21, says:

By the CHAIRMAN:

Q. Mr. Beck has asked you whether your report made to the Secretary and by the Secretary to Congress ought not to be an exact transcript of your books at all times?—A. I should call them a compilation from the books. It is bringing together various items.

Q. And should be a true statement, and intended to be a true statement, from the books?—A. Undoubtedly.

And on page 17 the same witness says, in answer to a question by Mr. Allison:

Q. In the letter above alluded to the Register states that he sends to the Secretary "A report on the public debt according to the receipts and expenditures, and also comparative statements showing the differences between the loan account and the receipts and expenditures account"; and he also states that in making up this report "it necessitated the re-examination of every account from 1836 to July 1, 1871." Will you ascertain under whose direction this report was made up and furnish this report to the committee, as well as the name of the person under whose immediate charge it was made?—A. I can state now by whom that examination was made, or the person having charge of it, and who made the report. It was the then chief clerk of the Register's office, Maj. J. T. Power, who is now the chief of the warrant division in the Secretary's office.

Joseph T. Power says, on page 66:

Q. Was there a careful and detailed examination made of the books of the Register's office from 1833 to 1870, inclusive, when these changes were made?—A. I understand that there was.

Q. How long did it take and how many clerks?—A. My recollection is that Mr. Saville asked the Register to detail two clerks from the office for this purpose to work

on these statements in connection with other clerks in the Secretary's office, but how many were from the Secretary's office I do not know. I think they were at work less than a year.

And on page 72 the same witness says:

Q. Then the changes and alterations that appear in the public debt were made between 1869 and 1871?—A. Yes, sir. You say "changes in the public debt." They were changes in the reports, not in the public debt.

The same witness, on page 97, says:

Q. In making these different statements since 1870, has a single figure been changed on the books of the department?—A. Not one.

Q. It is only a different method of putting together what the books state?—A. Precisely.

Q. Is the same true in relation to the statements of receipts and expenditures for past years?—A. It is the same, but receipts and expenditures have always been stated from what is called the Receipts and Expenditures account, the difference arising in them from a difference in stating, one by warrants paid, and the other by warrants issued. That is another class.

The revision of these tabulated statements, in addition to correcting errors in judgment, discovered and corrected numerous errors and blunders:

Glenni W. Scofield, on page 19, says:

Q. So that in fact the material changes, whether they were the system or what not, that occurred, occurred between 1869 and 1871?—A. I think they occurred in 1871 exclusively, with the exception of a blunder in this tabulated statement which was made by Mr. Nevin—he did not know how to make it—the blunder of deducting the cash in the Treasury.

Q. You speak of the great discrepancy in 1869 and 1870. How do you understand that that originated?—A. My understanding is that it originated in the Receipts and Expenditures Division, by the chief of that division taking the monthly public-debt statement as a guide to him instead of going to the books of that division; he thought that was an official statement. That is my understanding of it.

Q. And he deducted the cash in the Treasury from the amount of the debt?—A. That is apparently the way in which he arrived at the figures which were published in the Register's report.

William Guilford, on page 26, says:

Q. I understood you to say, in answer to Senator Davis, that there were clerical errors in the statements of 1869 and 1870. Will you now state the nature of those errors and the extent of them, as nearly as you can?—A. The public debt, in the statements for 1869 and 1870, was stated by the head of the division, who had no practical experience in the business, and he was told by Mr. Saville that he must make it agree with the public-debt statement of the Secretary. Instead of making it up from the books of the Register's office, he sent up-stairs and got the public-debt statement for the last month of that year from the Secretary's office. In this public-debt statement, as you are aware, I presume, there is a column "principal of the public debt"; there is then a column of interest, which added is carried out, making so much. Then there is a column of "cash in the Treasury" which is deducted, leaving a net total of so much. Instead of taking the figures of the principal of the public debt, he took the figures below, which gave the present debt plus the interest and minus the cash in the Treasury, making one hundred million dollars difference from what the real state of the public debt was. He took that for the two years 1869 and 1870, as you can readily see by referring to the public-debt statements of those two years.

Q. That accounts for the errors there?—A. Yes, sir.

Of the fact that such a revision was necessary and proper there can be no possible doubt.

Joseph T. Power, on pages 79 and 80 of the testimony, says:

By the CHAIRMAN:

Q. In your judgment, was there a necessity for going back for 30 or 40 years (as was done in 1870) to get the items for stating the public debt in the way which you now think is the best way?—A. Yes; it could have commenced there, but not without going back and stating the account up to that date from some period when the public



debt was commencing or where it could be determined with perfect accuracy. The statement, as furnished in the report of 1870, at page 24, is the approximation to that; that is, to furnish the basis for the commencement of this account in 1870.

Q. Now explain why you could not have assumed that the debt was a given amount in 1870, and commenced your system from there? In other words, why you could not have taken what the debt appeared to be at that day and commenced your new system?—A. The difficulty would be to tell what that day was when the two accounts could be brought together.

Q. Could you not have taken the year 1869 or 1870 as the basis and started from that, as well as to have gone back to 1833 and started from there?—A. The difficulty is to find a starting point at which both accounts would perfectly reconcile, and, considering the magnitude of this public-debt account in 1870, it was simply impossible to determine that without making this examination from the commencement of each loan. Then in 1836 the accountants assumed from the best information at hand an amount with which they commenced, and to make that as small as possible they commenced in that year, noted in history as being the period when there was comparatively no public debt.

The correctness of this revision, which was made in the office of the Secretary in 1869 and 1870, and published in the Finance Report for the first time in 1870, is fully established by subsequent examinations.

Joseph T. Power, on pages 81 and 82, says:

By the CHAIRMAN:

Q. By Receipts and Expenditures there are \$116,000,000, in round numbers, unaccounted for, according to this report. There is the Revolutionary debt, estimated at \$76,000,000, in round numbers. Could not that estimate have been \$36,000,000 as well as \$76,000,000?—A. That amount put in there as "estimated" is the amount which the present government assumed from the old government, \$76,000,000.

Mr. DAWES. Does the chairman mean by that question to inquire the data on which that estimate was made?

The CHAIRMAN. Certainly.

Mr. DAWES. If the witness knows what were the data I should like to ascertain them.

The WITNESS. It is a historical fact, and I believe the public accounts have heretofore fixed that sum uniformly at \$76,000,000. It was an assumed amount, and until the whole debt was paid it could never be determined how much was outstanding of these loans.

By the CHAIRMAN:

Q. Then you speak of Mississippi stock, the Louisiana purchase, Washington and Georgetown debt, United States Bank stock, Six per cent. Navy stock, Texas purchase, Mexican indemnity, and then add:

"In addition to the foregoing, the following amount is to be added, being composed of discounts suffered in placing loans, interest paid and erroneously charged as principal, and various errors in settling and stating loan accounts. All of these latter and the Revolutionary debt are now being investigated and will be explained in a future report in detail."

That amount is \$10,037,406.41, unexplained in any way except in the way I have designated. The changes of figures we have referred to in the debt statement took place in 1870. This report is that of 1871, which says that examinations are yet to take place to explain over \$10,000,000. Is it not a little singular that these changes, amounting to cents as well as many dollars, should have taken place a year before this examination was concluded, by which ten million was unaccounted for?—A. That ten million referred to there relates to discrepancies prior to 1836 in all cases; and in the Finance Reports of 1876, on page 18, a thorough examination brings it down to a discrepancy of \$942,433.83 "as unenumerated items, consisting of premiums and discount, interest, commissions, brokerage, &c., the full details of which can only be given when the examination of the accounts of the domestic debt of the Revolution is completed."

The final result of the examination, as it now stands, is shown on page 18 of this report. It has all been explained except that \$942,433.83, and the examination has not been brought further than that. The clerks have all been taken off this examination, as the reduction of force in the department does not enable us to continue the examination. We have but one clerk who is on all this general detail of statement, and there has been nothing done on it for two years; but I would state that it may be found that some of these accounts have been destroyed in the fire of 1812 and subsequent casualties, by which the accounts of the department have suffered, but even to the very penny it is capable of explanation with that exception. What makes it so very difficult to explain some of these earlier loans is that on the first loan of the government,

which took up the old debt and issued stock for two-thirds the amount of the debt at 6 per cent. and the other third deferred to 1808, the payment of interest was applied to the interest accrued and indents of interest were issued. The law authorizing the redemption of that, according to my recollection, provided for redeeming it in this way: Eight per cent. of the debt was redeemed every year. What was interest was first to be paid out of the 8 per cent. and the balance to go to a reduction of the principal, and thus it makes one of the most complicated accounts possible, and it would take years of examination to get out that single account itself to determine what was interest and what was principal.

By Mr. DAWES:

Q. How old is the transaction?—A. The first loan of 1792.

The same witness, on page 99, says:

Q. You read from the Finance Report of 1871 that the difference had been ascertained, with the exception of about \$10,000,000, which would be explained hereafter when ascertained. What has been the result of the further examination?—A. The Finance Report for 1876, on page 18, gives the explanation. That difference is there fully detailed down to the item of \$942,433.83, which consists of unenumerated items, as premiums, interest, discount, &c.

Q. All these differences have been traced down to \$942,433.83, which has not yet been traced upon the books?—A. Yes, sir.

Q. Do you mean to say by that answer that somewhere, and in some account in the books, as heretofore kept, all these items, with the exception of the amount you have just stated, have been found?—A. Yes, sir.

Q. You stated heretofore that of the first loan there has as yet been found no trace of the difference between the face of the loan and the actual amount received from it?—A. Under the act of Congress of August 4, 1790, what is called the six per cent. stock and deferred stock and the three per cent. stock were issued to take up the domestic debt, and interest accrued thereon, of the Revolution, and the floating debt. That constituted the funded debt of that period. These loans were redeemed in such a way as to make it almost impossible to *exactly* determine the amount of interest and the amount of principal paid upon the loans, as the first payment was made by redeeming eight per cent. of the bonds, which paid the interest, six per cent., and two per cent. of the principal. This eight per cent. payment each year increased the amount of payment on the principal every year, and diminished the amount of interest. The principal payments were increasing each year, and the interest decreasing; so that that is one of the difficulties of investigating that particular loan, and illustrates the difficulties of accurately determining the amount paid for principal.

The mode of making these tabulated statements, adopted in 1870 and pursued ever since, is the best and most accurate in the opinion of the most competent clerks in the department.

Mr. Guilford says, on page 27:

Q. How much time would such examination require for a given year—say 1869—in your office?—A. It probably would not take over about a month's time; but then I do not see what you could arrive at, for they are statements entirely different; one is a statement of the issues of a loan, and the other is a statement of the actual receipts from that loan, and they have no relation to each other. For instance, if you issue one hundred notes, and charge yourself as owing that amount as soon as you issue them, I think it would be an incorrect statement of your indebtedness. You do not owe anything until those notes have passed into other hands and you have received the money for them. The old statement was a statement of all the obligations which the United States issued. The present statement is the amount of money actually received by the United States, which I think is the true statement.

Q. Then you regard the present mode of statement as an improvement upon the old mode?—A. I do, and very materially so, and I think any business man would coincide in that view.

Q. It shows the true condition of the public debt?—A. Exactly, with the exception that I do not know about the classification of it; it may be wrongly classified, but the *modus* I consider far superior.

In reference to the relative merits of the two methods of stating the debt and the cause of the changes in the figures, Dr. Guilford says:

Q. I think you have stated fully that those changes occurring in the public-debt statement during the years 1870 and 1871, as appears from the tabulated statements

of the Register and the Secretary, arose from the different methods adopted in stating, and from no other cause or reason?—A. That is all; different methods of statement. One method was of stating it by issues and redemptions, and the other a different method of classification.

Q. And you regard the latter method as the best method of stating the debt?—A. The method that now obtains; I do.

The following statement from the testimony of Dr. Guilford further elucidates this subject:

By Mr. BECK:

Q. Your large experience in the office of the Register enables you to speak pretty fully of the duties of that office, and therefore I want you now, as briefly as you can, to tell us what you understand by the first subdivision of section 313 of the Revised Statutes, which provides that "it shall be the duty of the Register to keep the accounts of the receipts and expenditures of public money, and of all debts due to or from the United States."—A. That the Register's office shall be the bookkeepers of the government, to put it as condensed as possible.

Q. And every dollar that comes into the Treasury and every dollar that goes out of the Treasury must appear on the books of the Register?—A. Yes, sir.

Q. And his annual published reports import absolute verity as to those facts?—A. They are supposed to do so.

Q. That is the object of them?—A. Yes, sir.

Q. He has, from the beginning of the government, or from a very early period of it, made these annual reports to Congress and the country, has he not?—A. Yes, sir.

Q. And up to 1870 the annual report so furnished was all that the country had to rely upon as to the truth of the condition of the Treasury?—A. Yes, sir.

Q. Now you say that in 1871 it was ascertained that all those statements had been false from the beginning of the government?—A. No, sir.

Q. What do you propose to tell us?—A. Not that they were false, but that they were not stated correctly; that they were not stated on a correct basis as far as the public debt was concerned. They stated the amount that the government professed to owe, but not the amount it did actually owe; the difference was that it stated the amount the government proposed to owe from year to year, and not what it did actually owe.

Q. Would, or not, each year then correct the other?—A. It might, and it did in a great measure correct the other, year by year, provided all the loans were negotiated.

Q. So that what failed to appear in one year by reason of the issue not having been negotiated would appear in the next when it was?—A. Unless the loan was canceled or not wholly negotiated.

Q. And if it had been either canceled or not wholly negotiated, was it not the duty of the Register in the succeeding year, from that fact appearing, to so alter his statement as to make that appear?—A. He ought to do it, of course.

Q. The Secretary ascertained, or the Register and the Secretary together ascertained, in 1871, that from 1833 there had been wrong statements made to the public annually by the Register as to the truth of the debt?—A. I do not know that you can say it was wrong. For instance, on a certain basis you may say you owe a certain amount of money, and on another basis you may say you owe a different amount of money, and still both would be correct. For instance, you may say, "I owe \$100,000," which might be correct. You may say then that I owe \$100,000, but I have \$50,000 coming to me, and consequently I only owe \$50,000. There would be a difference of \$50,000, and yet both statements would be correct. It depends entirely on the basis of your statement.

Q. You state this, however, that in 1871, and from that time on, the statement now goes forth to the country that each statement made by the Register from the time he began to make statements up to 1870 was made upon a false basis?—A. According to my opinion, they were.

Q. That is now the statement made to the country each year?—A. Yes, sir.

Q. Is it not true that you have for the years embracing 1869 and 1870, and back of them, in the last eight or nine years, repudiated all the former statements by the Register as to the state of his accounts?—A. Yes, sir; if you call it that, and according to my opinion very correctly.

Joseph T. Powers says on this subject, on page 79:

By the CHAIRMAN:

Q. In your judgment, which is the most proper way to keep the public-debt statement, by Receipts and Expenditures or by Issues and Redemptions, taking in view such transactions as the Massachusetts payment, and the Eads payment for the jetties not long ago, where bonds were issued without any receipts going into the Treasury?—A. The most unreliable way of stating the public debt is by Receipts

and Expenditures; the next more reliable way is by Issues and Redemptions; but the most reliable way, in my opinion, is, as it is now stated, by joining the two together, making one balance and check the other.

The same witness, on page 98 of the testimony, says:

By Mr. DAWES:

Q. In stating to Mr. Davis the difference between the method adopted by the Secretary and the method adopted by the Register of keeping the public debt account, you stated that the Secretary's was by the amount of receipts and expenditures on account of the public debt, and the Register's was by the amount of issues and redemptions, and you stated that the most perfect way of keeping the accounts was by yoking them together, as had been done since 1870. Will you state to us what you mean by that term "yoking them together," which you said was the most perfect way?—A. Under the present system, established in 1870, the Division of Issues and Redemptions reports at the end of every month the amount of the subscriptions to the loan or that they have ready to issue and will issue, and that amount of money is covered into the Treasury and charged to the Treasurer; also, all redemptions made by the Treasurer are credited to that officer in the same month the redemptions are made, so that at all times the one account balances and checks the other. Prior to 1870 money was covered into the Treasury under one fiscal year and bonds were issued in another fiscal year. Under the present system the money is covered into the Treasury in one fiscal year and the bonds are issued as of that same fiscal year, although there may be at the end of the month (as there was at the end of last month) a large amount of unissued bonds; but to keep the account correct the amount is charged to the Treasurer as of that date.

The committee's clerks found numerous instances where the original record books of the department had been altered by the erasure of words and figures and the writing of others over them, and in one or two instances where whole pages of record books had been cut out; but the evidence of the committee's own clerks, as well as of all other persons examined on this point, indicated that all these changes and mutilations occurred in the usual course of business, and were necessary to correct errors previously made.

John W. Gentry, one of the clerks to the committee, examined nine ledgers, and found upon them 2,527 "erasures and apparent alterations." This is the substance of his whole testimony, and the result of it all is the following, from page 176:

Q. Have you found in any instance where you have examined the warrants that either a warrant covering in or a warrant paying out money now differs from the entry as it stands on the book?—A. Not as it stands at the present time.

Q. As the entry stands in the book at the present time, the warrant covering in or the warrant paying out agrees with it, so far as you have examined?—A. They agree.

Q. You have found no discrepancy in that respect?—A. None.

That such errors are not uncommon may be fully seen by the following passage from the testimony (page 178) of William Woodville, one of the committee's experts:

WILLIAM WOODVILLE recalled.

By the CHAIRMAN:

Question. Have you made a copy of the warrant No. 919, of 1869?—Answer. Yes, sir; this is it (producing a paper).

Q. Is that a true copy of the original warrant?—A. I am not prepared to say. Mr. Gentry and myself are going to compare it and hand it to the reporter to-morrow, and then we shall testify that it is a true copy.

Q. Did you make it for a true copy?—A. I did make it for a true copy and have copied it carefully, but I have not yet compared it with the original; I will do it; it is intended to be a true copy.

By Mr. DAWES:

Q. If you find in comparing your copy with the original that you have made a wrong entry of a word, you will erase it and put in the right word?—A. Yes, sir; in the copy.

Q. With the intention, of course, of making it right?—A. Yes, sir.

Q. Have you ever done that in preparing papers?—A. Yes, sir; when I have made a mistake of course I have done it.

Q. You are a bookkeeper, are you not?—A. Yes, sir; I have been.

Q. In your entries in books has it been your misfortune ever to get a wrong word or a wrong figure?—A. Yes, sir.

Q. What did you do with the book then?—A. I scratched it.

Q. For the purpose of making it what it should have been?—A. A bookkeeper unavoidably sometimes will make a transposition of figures.

Q. And you scratch out what has been put down for the purpose of making it what you intended to make it when you made the entry?—A. Yes, sir.

The following from testimony of Mr. Saville, on page 219, gives the opinion of another expert on this branch of the question:

Q. You have said that you examined the books and that there were no erasures or scratches upon them?—A. That I made none.

Q. You referred to that matter in some way. In your examination of the books did you discover or see any erasures or scratches upon any of the books?—A. Yes, lots of them; alterations and erasures; and it would be impossible to keep books without making erasures, in my opinion.

Q. What was the character of those you saw?—A. In the nature of erasures and corrections made in the course of the business, where a clerk probably had made a mistake, transposed a figure or had entered a wrong amount or a wrong number, and discovering his error had erased and corrected it.

Q. Was that in the day-books or journals only, or was it carried on into the ledgers?—A. I will say that in all the examinations I made of the accounts of the department I never was able to find a correction and alteration or an erasure that was not justified by a careful examination of all the material that went to make the basis of the entry. I mean by that, that taking a single erasure or alteration and tracing the occasion for it through all the papers which related to that entry, I never found that the same erasure had been made in all the papers relating to that one entry. The erasures were all evidently the result of discovered errors subsequent to the making of the entry. Whenever an erasure was made, it always had an object in view. I will say that when I first came into the Treasury Department I had an idea that it was very wrong to ever make a change on a public book without explaining right on the book itself why it was done; and if you have examined the books I have kept when I first came into the department you will find that wherever there is an alteration or erasure that does not explain itself there is a red-ink note explaining it, until I found that it was absolutely labor that I could not perform.

Q. Are you speaking now of the day-books and journals or of the ledgers?—A. The day-books, journals, and ledgers, but mainly the registers, or day-books, as they might properly be called.

Q. Do you think it would be good bookkeeping to carry erasures into the ledger? Of course a ledger is made up from the day-books and journals, and do you think it would be good bookkeeping to make "lots" of erasures and alterations, as you expressed it, in the ledgers?—A. I should not call it good bookkeeping. I would not employ a bookkeeper who did much of it.

Q. While it might occur frequently in the day-books or journals, ought it to occur in the ledgers?—A. It ought not to occur very often in the ledgers unless there is some reason for it. When I said "lots," I did not have reference to the volume of the business. When you consider the alterations and erasures in relation to their proportion to the volume of business done, there were very few erasures comparatively. The erasures were numerous; but, in proportion to the volume of business done, they were very few.

The result of all the testimony and of the examinations of the committee shows conclusively that no money can be paid out of the Treasury except by warrant drawn by the Secretary, countersigned by the Comptroller, and registered by the Register; that all such warrants are either warrants in favor of disbursing officers, advancing to them money which they must subsequently account for, or warrants issued in favor of public creditors based upon settlements of the proper Auditor and Comptroller in their favor upon vouchers and evidence on file in the office of the proper Auditor.

The money of the government is deposited with the Treasurer and the various assistant treasurers and designated depositories, who issue certificates of deposit therefor in triplicate, one of which is retained by the depositor, one is sent to the Secretary of the Treasury by the

Treasurer, and the third transmitted to the same officer by the depositor. Upon these certificates of deposit the money is covered into the Treasury by the warrant of the Secretary, countersigned by the Comptroller, registered by the Register, and receipted by the Treasurer.

Upon the warrants directing the payment of money out of the Treasury, the Treasurer issues his draft in favor of the public creditor or disbursing officer, as the case may be, but does not receive credit for the payment until after the draft has been actually paid and returned properly indorsed and attached to the warrant. He is charged with all the warrants issued covering money into the Treasury immediately upon their issue, and it, therefore, results that in his account he is charged with every "covering" warrant as soon as issued, but does not receive credit for the "pay" warrant until the draft issued thereon has been actually paid and returned. This occasions what is known as outstanding warrants, which vary in amount from time to time.

On page 8 of Senate Report of Committee, No. 371, Forty-fourth Congress, first session, the following explanation of this occurs, and as this explanation is brief, complete, and accurate, it is here inserted :

"The Register of the Treasury, since the commencement of the government, has pursued the system of stating the expenditures of the government by the Treasurer's account (warrants paid); but as this account cannot be settled in time to be included in the Finance Report, the expenditures, as shown by the appropriation account (warrants issued), are used for the time being; but as soon as the Treasurer's account is settled, the correct amount by warrants paid is substituted in the published tables. During the war the settlement of the Treasurer's account was so far in arrears that the change from warrants issued to warrants paid was not made from 1862 until 1869, when the changes in the years 1862 to 1866, inclusive, were effected."

The report above referred to contains a brief and conclusive explanation of the various differences in the tabulated statements, which have been so much commented upon, and fully justifies the statement that while the tables from different data when compared together do show discrepancies, all of these discrepancies are matters of detail, and are susceptible of complete explanation, satisfactory to any person of sufficient intelligence to understand them and fairness to concede their correctness. The result of all the testimony taken by the committee, and the examinations of its experts, fully sustains the accuracy of their report. The undersigned are of the opinion that the differences in these statements are unfortunate, and they can think of no remedy for the trouble but the establishment of a rule in the department that all tables and statements shall emanate from one source and shall invariably be made from the same data and upon the same principle.

#### CONCLUSIONS.

1st. The tabulated statements of the receipts and expenditures and of the public debt as contained in the official finance reports up to and including the year 1869 substantially agree, and the same tabulated statements in the finance reports from 1871 to the present time also substantially agree. The tabulated statements of receipts and expenditures and of the public debt accompanying the Secretary's report, as printed in the Finance Report of 1870, do not agree with the like statements of the Register in the same report, and the reason for this disagreement in 1870 is that in that year the tabulated statements of the Secretary's report were made in his own office after a careful revision

and reanalysis of the books by competent clerks in his office, which disclosed certain errors in the classification of expenditures.

2d. In November, 1871, the Chief Clerk of the Treasury Department, under instructions from the Secretary, directed the Register of the Treasury, in writing, to make changes in his tabular statement of the public debt so as to conform the same to a like statement made in the Secretary's office, or to omit his tabular statement altogether. These changes were made by the Register of the Treasury, not, however, until after he had made a careful analysis and examination of the various changes and ascertained them to be correct.

3d. The statements of the public debt and of the receipts and expenditures as contained in the Finance Report of 1871 differ materially in their figures from those contained in previous finance reports, but all of these differences are shown to have been the result of different methods of classification, or different systems of accounting, and none of these differences indicate that any change has been made in the original books of the department or changed the final result or affected the accuracy of the books.

4th. The first tabulated statements of the receipts and expenditures and of the public debt made in the office of the Secretary of the Treasury were prepared in 1870. Previous to that date these statements, as made in the Register's office, were the only ones which appeared in the annual Finance Report.

5th. Until 1870, the tabular statement of the public debt, as published in the Finance Report, was made up from the accounts known as "Issues and Redemption" accounts, but since that date it has been made from the accounts known as "Receipts and Expenditures" accounts. The differences between the figures as published prior to 1870, and those published since that time, have resulted from this new method of making up this tabular statement.

The total receipts on account of public debt from the organization of the government to June 30, 1871, were \$7,094,541,041.31, and the total expenditures were \$4,857,434,540.51, leaving a balance of \$2,237,106,500.80; and this should be the amount of the public debt outstanding and unpaid, for the receipts and expenditures account contained all transactions.

The Finance Report of 1871 states the actual public debt at \$2,353,211,332.32, leaving \$116,104,831.52 more outstanding than the receipts and expenditures would seem to indicate.

This item of difference is explained on page 20 of the Finance Report of 1871, and consists of two classes of transactions, one being bonds issued in payment of various debts and claims for which no money ever came into the Treasury, and which when matured and paid off would show an expenditure where there had been no corresponding receipt, and the other being discount suffered in placing loans. There are some minor errors also, such as interest paid and erroneously charged as principal, and errors in settling and stating loan accounts, but these latter are neither very numerous nor very large in amount.

6th. Up to and including June 30, 1869, the bonds issued to the Pacific Railway Companies were treated as part of the public debt of the United States, and included in the tabular statement of the public debt, and in the Finance Report of 1870 these Pacific Railway bonds are dropped from the public debt of the United States, and treated as a special debt of the railway companies.

7th. The changes in the tabular statements of the public debt and the receipts and expenditures were made after a careful examination by

three competent clerks—Maj. Ross A. Fish, Dr. William Guilford, and Rafael A. Baily—under the direction of their superior officers, and subsequent examinations sustain the accuracy of the figures in the revised statements.

8th. The present method of handling securities of the government, including notes, bonds, and stamps, would be greatly improved by having all securities pass through the office of the Register.

The report of the Joint Select Committee on Retrenchment (Senator Edmunds, of Vermont, chairman), made in 1869, recommends the establishment of some additional check.

9th. Numerous alterations and erasures upon the books of the Secretary, Treasurer, and Register were discovered, and in some instances entire leaves were found to be cut or torn from some of the books; but none of these alterations, erasures, or mutilations have in any manner affected the accuracy of the accounts, nor was the committee able to discover that these alterations and erasures were other than what they purported to be, viz, the correction of errors and omissions occurring at the time, and the necessity for which was fully sustained by all the corresponding contemporaneous and supplemental records and papers in the files of the department.

10th. The official statements of the amounts received and expended by the War and Navy and Interior Departments, respectively, do not agree with the amounts charged by the Treasury Department to them for apparently the same period of time, but the committee did not investigate the causes of such discrepancies.

11th. The official statements of the cash in the Treasury on the 30th day of June in each year, as made by the Secretary, Register, and Treasurer, do not agree in amount; but no examination was made as to the cause of these differences.

12th. The statement of the amount of interest on the public debt paid as reported by the Secretary, Treasurer, and the Register, respectively, do not agree, but the committee did not investigate the cause of this discrepancy. The Treasurer does not keep a separate account of the interest paid.

13th. The total and the net receipts and expenditures, as reported by the Secretary, Comptroller, and Register, at the close of each fiscal year, all agree, the one with the other, but the same statement as made by the Treasurer differs materially from the others.

14th. The Secretary's statement of the sinking fund and of the bonds purchased therefor in the years 1869 and 1870 does not agree with the Treasurer's statement on the same subject.

We are of opinion that the result of the investigation by this committee has not justified its creation, nor the great expense attending its conduct, and that it has failed to disclose any facts that have not for many years been fully known to Congress and the country.

JOHN J. INGALLS.  
H. L. DAWES.





# TESTIMONY

TAKEN BY

## THE SELECT COMMITTEE OF THE SENATE

APPOINTED

*To investigate the accounts, books, and statements of the Treasury Department, consisting of Messrs. Davis, of West Virginia (chairman), Beck, Allison, Ingalls, and Cameron of Pennsylvania.*

WASHINGTON, January 3, 1879.

GLENNI W. SCOFIELD sworn and examined.

By the CHAIRMAN:

Question. What position do you occupy in the Treasury Department?—

Answer. I am Register of the Treasury. I was appointed in April, 1878.

Q. State what is the general duty of the Register, especially as regards keeping accounts of the receipts and expenditures of the public money, and of the debts due to and from the United States?—A. On page 118 of the Congressional Directory the duties of the Register are stated concisely and accurately, as follows:

The Register of the Treasury has charge of the great account-books of the United States, which show every receipt and disbursement, and from which statements are annually made for transmission to Congress. He signs and issues all bonds, Treasury notes, and other securities; registers all warrants drawn by the Secretary upon the Treasurer; transmits statements of balances due to individuals after their settlement by the First Comptroller, on which payment is made; issues ships' registers, licenses, and enrollments; prepares annual returns of all vessels built, lost, or destroyed; and also prepares statements of the tonnage of vessels in which importations and exportations are made, with the various articles and their values. These duties are attended to in five divisions, viz:

*Coupon and Note Division.*—Bonds, interest-conpons, gold-certificates, certificates of deposit and of indebtedness are examined, registered, and issued or redeemed.

*Note and Fractional Currency Division.*—Treasury notes, notes of national banks which have gone into liquidation, and mutilated fractional currency are examined, canceled, and destroyed.

*Loan Division.*—Registered and coupon bonds are issued, embracing the transfer of all registered bonds; the conversion of coupon into registered; the ledger accounts with holders of registered bonds, and schedules made out upon which interest on same is paid.

*Receipts and Expenditures Division.*—The ledgers of the United States are kept, showing the civil, diplomatic, internal-revenue, miscellaneous, and public-debt receipts and expenditures; also, statements of the warrants and drafts registered.

*Tonnage Division.*—Accounts are kept showing the registered and the enrolled and licensed tonnage, divided into different classes, and exhibiting what is annually built and what is engaged in the fisheries of different kinds.

The Register also makes a tabulated statement of the principal of the public debt.

By Mr. ALLISON:

Q. How often?—A. Annually. Section 313 of the Revised Statutes prescribes the duties of the Register.

By the CHAIRMAN:

Q. I hand you the Finance Report for 1870 and call your attention to page 276, and also the Finance Report for 1871 and call your attention to page 368, and ask whether those tabulated statements of the public debt were made in the Register's office?—A. They purport to have been so made, and I have no doubt they were.

Q. And were officially reported to Congress?—A. Yes, sir.

Q. Do they agree as to the amount of the public debt?—A. They do not for some of the years. From 1833 down to 1870, inclusive, I believe, they differ. The tables themselves will show the differences. Prior to 1833 they agree.

Q. Do all the years differ between 1833 and 1870?—A. I think they do.

Q. Can you state why the tables made by the Register in 1870 and 1871 differ so largely with each other?—A. In 1870 a tabulated statement of the public debt was made in the Secretary's office, as well as in the Register's. For the years 1833 to 1870, inclusive, these two tables disagreed very widely in the amount of the debt. They were bound in the same volume, and attention was attracted to the differences. The Register, in his report of 1871, adopted, by direction of Mr. Saville, chief clerk, the statement made in the Secretary's office for the disagreeing years. And thus occur the disagreements in the Register's statements for 1870 and 1871.

Q. Can you state the amount involved in these changes?—A. I have never compared them to see exactly the amount, but I think it was only a few hundred dollars in some years, in others as high as seventy-five millions. In 1869 and 1870 I think it was nearly a hundred million. In those two years there was a mistake in the amount reported by the Register's office. The cash in the Treasury was deducted from the debt for those two years. That, of course, made it considerably less than it really was. It corresponded with the monthly statement of the Secretary, which you know is made by stating the debt and then deducting the amount of money in the Treasury from it. The gentleman who was in charge of the books at that time got the impression that that was the way to make it, and, as I stated, he deducted the amount of money in the Treasury those two years, which showed the debt a great deal less than it was—probably nearly one hundred millions.

By Mr. ALLISON:

Q. Do I understand you that the discrepancy which appears in 1869 and 1870, as from a printed statement prepared for this committee, is owing to the fact that the person in charge of the books in making up the statement deducted the cash in the Treasury from the amount of the debt?—A. Yes; the books were right, but in making up his statement, as I understand, he deducted (following the Secretary's monthly report of the real indebtedness of the United States) the cash in the Treasury from the amount of the public debt, which was a mistake.

By the CHAIRMAN:

Q. That is the explanation as to 1869 and 1870?—A. There was very likely a difference besides that, but I speak of that as causing so great a difference for those two years.

Q. Was the same mistake made two years in succession?—A. I think so. It was not any mistake in the books, but it was a mistaken idea of

the officer who made out the statement as to how he should state the public debt. If you get the Secretary's monthly statements for 1869 and 1870, you will see that the gentleman who made out that report took the amount of cash in the Treasury and deducted it from the amount of the debt, the same as the Secretary did. That makes the large discrepancy of those years; but I think there was still a difference without regard to that.

Q. Have you any explanation to make of the other years?—A. I am not able from memory to explain these discrepancies in detail, for the reason that I have never made it a study and am not familiar with it; but I can state in general my understanding of the way the differences occurred, and that may, perhaps, aid you in the investigation and in calling others. The Secretary of the Treasury makes out a tabulated statement and the Register of the Treasury makes out another tabulated statement of the United States debt annually. The Secretary's is made out from the books of his office and the Register's from the books of his office.

By Mr. ALLISON:

Q. That is to say, two different sets of books are kept, one in the office of the Secretary of the Treasury proper, and the other in the office of the Register?—A. Yes, sir.

By the CHAIRMAN:

Q. How long has that been the case that two sets of books have been kept, and that the Secretary and Register has each made a tabulated statement?—A. The books, I suppose, have always been kept, but the Secretary's tabulated statement was not made until 1870.

Q. Which is the senior—which has been kept the longest?—A. The Register's statement.

Q. I understand you to state that the Register made two statements—one in 1870 and the other in 1871—in which there are large differences?—A. The Register formerly made his report of the public debt by what they called "issues and redemptions." The Secretary's was made from "receipts and expenditures." The amount of bonds issued and the amount redeemed would show on the Register's books. Deducting the amount redeemed from the amount issued, would show the amount of public debt in one way. The amount of moneys received on account of the public debt might differ with the amount of issues of bonds—I mean, might differ at one particular date—because the moneys would be received into the Treasury, and a report made on that day would show so much receipts of money, but the bonds might not be issued for several days after. A report made on the basis of receipts, therefore, would differ from a report made on the basis of the issues, and so with expenditures on behalf of redemptions. If a hundred million of the 4 per cents had been subscribed and paid for June 30, the last day of the fiscal year, the bonds would not have been issued until the 1st of July, the beginning of another fiscal year. By the Treasurer's books, the public debt would appear to be increased by that amount, but the increase would not show on the "issue" books of the Register until the following year. So, if the Treasurer had redeemed that amount on that day, his report would show that reduction of the public debt, but the redeemed bonds would not appear on the Register's books until the first of the following fiscal year.

Q. When does your fiscal year close?—A. June 30, now.

Q. When do you make this statement to Congress?—A. It is usually made in October, I think.

Q. Four or five months intervene between the time the fiscal year closes and the time when these statements are made?—A. Yes.

Q. Is not that time enough to get your accounts adjusted so that these discrepancies ought not to appear? In other words, was it not the intention of Congress, when they gave you four or five months, that this should be sufficient to get in the items you have been describing, so that when the report was made to Congress it should be a correct one?—A. I suppose that was the object of the act of Congress which made the fiscal year close the last of June instead of the last of November as formerly; but still the report must be made up from the entries on the books during the fiscal year, and not according to subsequent entries. I think this change was made about 1842.

Q. Before the great bulk of these discrepancies occurred?—A. There were but few previous, but the public debt was very small prior to that, and almost nothing at that time.

Q. Can you state the reason for going back thirty odd years after the books had been closed, and changing the figures of the public debt?—A. Yes, sir. I would state first that there were no changes made in the Register's books in any way, as I understand. The figures were left to stand as they were before. The change was made in the tabulated statement of the public debt, and that was done upon the order of Mr. Saville which I have here. That change was to make the figures correspond to the report made in the Secretary's office prior to that.

Q. If the books of the Register, who is the official bookkeeper, had not been changed, the previous reports made to Congress ought to agree with the books, ought they not?—A. Yes, sir.

Q. Do they?—A. I suppose so.

Q. Then, do I understand you to say that you suppose the reports made to Congress previous to 1870 from the Register's books were not correct, or were correct? What do you say on that subject?—A. I think the reports made to Congress prior to 1870 were correct, according to the books kept known as the books of "issues and redemptions."

By Mr. ALLISON:

Q. Were they made from that account?—A. Yes, sir; but they differed from the report made in the Secretary's office, which was made up from "receipts and expenditures" in behalf of the public debt, and the Register was directed to make out his tabulated statement in accordance with the receipts and expenditures, so that it would correspond with the Secretary's report.

Q. Instead of from issues and redemptions?—A. Yes.

Q. In other words, he was required to change the form of the statement?—A. Yes.

By the CHAIRMAN:

Q. Were the Register's books at that time re-examined so as to see whether or not they would support the after statement, or which statement they would support, if either?—A. You must know that all this testimony I am giving is historical. It does not come within my own knowledge. I understand that there was a very careful examination and comparison made.

Q. In the Register's office?—A. In the Register's office and in the Secretary's office, and also a report made taking up each year and comparing the discrepancies, and pointing out in what they consisted.

Q. Have you that report?—A. I have seen it. It is printed. We can get it for you.

Q. Were the warrants re-examined at the same time, to your knowl-

edge?—A. I have no knowledge whether they were or not. I have never understood whether the warrants were re-examined or not.

Q. You do not state of your own knowledge that the books were re-examined in the Register's office?—A. No; and I may as well say here that pretty much all I am stating now is rather what I have learned from the books and the clerks since I have been in the office, than from any personal knowledge I may have.

Q. You speak of an order from the Secretary to the then Register, who I believe was Mr. Allison, to make the changes you have referred to in this debt statement. Will you give the committee that order?—A. Yes, sir; this is the original order, and I will hand you a copy.

Q. Read us the original.—A. I will.

TREASURY DEPARTMENT,  
November 24, 1871.

SIR: I have to request that the statement of the public debt on the 1st day of January in each of the years from 1791 to 1842, inclusive, and at various dates in subsequent years, to July 1, 1870, as printed on page 276 of the Finance Report for 1870, may be omitted from your tables in the forthcoming reports, or else that it be corrected to conform to Table H on page xxv of the same report for the same year.

This request is made in consequence of a letter from the Assistant Secretary of the Treasury, now in London, who complains that these different tables are frequently referred to in England, and the discrepancies between them constantly and unfavorably commented upon.

The table found on page xxv is, I believe, as nearly correct as the examination of the accounts up to the present time will enable it to be made, though I am under the impression there will be some changes necessary in order to make it absolutely reliable.

Very respectfully,

J. H. SAVILLE,  
Chief Clerk.

Hon. JOHN ALLISON,  
Register of the Treasury.

This letter is indorsed "Secretary of the Treasury; chief clerk; 24, 171. Asks statement of the public debt may be made to correspond with statement made in Secretary's office. Memorandum. As published for the fiscal year ending June 30, 1871, the statement is the same as the Secretary's."

I believe that indorsement is in Mr. Allison's handwriting. Now if you will take the report made by the Secretary's office in 1871, and that made by the Register in 1871, in accordance with that order, you will find that they are alike, and they have continued from that time to this to be alike or very nearly alike. I think there is a few hundred dollars discrepancy this year, and was last year.

Q. That is, the Register's report to Congress after 1870 was made in accordance with directions from the Secretary's office?—A. Yes, sir; I understand that the Register made no changes in his books, but adopted the report made by the Secretary down to that date.

Q. The Register had kept an account from the earliest day of the government; the organization of the office shows that he has been the official bookkeeper of the government; but instead of comparing his own statements as previously made to Congress, he adopted under the instructions of that letter such statement as was sent him from the Secretary's office. Is that the true statement of it?—A. Yes, I may say that, in the main; but by comparing the receipts and expenditures account, which was registered in our office, they were found, I believe, to agree in the main with those in the Secretary's office. But there were no changes made in the books. My understanding is, that after the order from Mr. Saville the report made in the Secretary's office was adopted by the Register; but there has been, also, at the same time an examina-

tion of the books in the Register's office, another set of books, by which it was ascertained that the report in the Secretary's office was the correct one. I have stated that one reason why the books kept by the two offices did not agree was, that one was kept by "issues and redemptions," and the other by "receipts and expenditures" which would cover all redemptions. Another subject of difference was the trust funds belonging to the government. They were sometimes put in the public debt, and sometimes omitted.

By Mr. ALLISON:

Q. Such as Indian funds, do you mean?—A. Indian funds, Smithsonian funds, and the naval pension fund. I was told that those items make up a portion of the difference.

By the CHAIRMAN:

Q. I understand you to state that the main difference is in the manner of stating the accounts by issues and redemptions in your office?—A. So I understand. The difference is between stating the account by "issues and redemptions" alone, and stating it by "receipts and expenditures" on account of the public debt. By issues and redemptions you get no premiums or discounts—no interest account.

Q. I understand that in 1870 you changed the manner of stating the account which had been kept from the organization of the government, or the mode of keeping the books in the office?—A. I cannot learn that any change was actually made, although I came across a report the other day of Mr. Allison, directed to the Secretary, in which he said he had ordered some change to be made. I will get that for you; not a change in the method of keeping the books that they had already, but that he had opened a new set. I have inquired of some of my clerks, and they say they do not know anything about that. I happened to see that in his report.

Q. The two tables I have exhibited to you show that there were changes from 1833 to 1870, inclusive. Both cannot be correct if taken from the books, because there were great differences between them; seventy-five millions, ninety-nine millions, and ninety-four millions a year, sometimes; sometimes very small amounts.—A. I think those large amounts were made in the way I stated to you. The debt was made a good deal smaller in the Register's report than it really was, by improperly deducting the cash in the treasury for the two years I have named.

Q. But there were changes for thirty-five years. Various Secretaries had reported for thirty-five years the outstanding public debt at given amounts, and it had been so reported from your office each year for the time named; but in 1870 there appears to have been a general change back for thirty-five years; the changes are large and small, sometimes a decrease, sometimes an increase; therefore the way of stating the redemptions and issues could not affect it both ways, sometimes a credit and sometimes a debit. Have you any special explanation on that point?—A. That, according to my understanding, is exactly what it would do. If the Treasurer received a subscription so near the close of a fiscal year that it did not appear on the books of the Register until the following year, the Treasurer's book would show an increase of the debt, while the Register's would not. So, if a redemption of bonds was made by the Secretary so late in the fiscal year that it did not get on the Register's books until the following year, the Secretary's books for that year would show a decrease of the debt, while the Register's would not. So that a statement of the public debt, made up, solely, from the "issue

and redemption" account in the Register's office, would show the debt too large in some years and too small in others. In cases where certificates of indebtedness are issued without corresponding receipts in the Treasury, the amount could be accurately ascertained from the "issue" account in the Register's office.

By Mr. ALLISON :

Q. What do you mean by saying there were no receipts?—A. There was no money covered into the Treasury. I refer to cases where bonds are issued by authority of Congress, and no money is paid into the Treasury in exchange for them. The Oregon war loan is an instance. Bonds were issued to quite a large amount, but no money was received for them.

Q. It was to pay an existing debt, and nothing came into the Treasury in lieu of it?—A. Yes, sir. I think the Texas indemnity bonds were in the same way.

By the CHAIRMAN :

Q. Had Register Allison additional papers that he kept with that letter?—A. I have never seen any other. I thought until I came to get this a short time ago, after you mentioned it to me, that it was from the Secretary himself, not from the chief clerk.

Q. Do you consider that as the act of the Secretary?—A. Yes, sir. I understand from those in my office that Mr. Allison took this order to the Secretary after he received it, showed it to him, and the Secretary informed him that it was to be obeyed. There is nothing on record to show that, but I understand it from some of the clerks.

Q. Do I understand you to state that you saw no additional papers with that order in your office that were kept by Register Allison?—A. I have never seen any other. I think you were there when I first knew anything about it. My assistant came in and found it in my drawer. I had the impression on my mind that it was from the Secretary, but when I came to look at it I found it was from the chief clerk.

Q. But you considered it the act of the Secretary?—A. Certainly.

Q. You would to-day in your office?—A. Yes, sir.

Q. My recollection is that there were other papers connected with that when you and I looked; have you examined to see whether there were other papers left by the former Register?—A. I did not examine particularly. There were very few things in the drawer. There were two envelopes; one contained a copy, and the other the original. The envelope was marked on the outside "Two copies," but there was only one in it. The original was in a separate envelope, but they were fastened together by a string.

By Mr. ALLISON :

Q. Are the accounts of receipts and expenditures kept in the Register's office as well as in the office of the Secretary?—A. Yes, sir.

Q. All receipts from loans and all expenditures in redemption of loans are kept in a division of your office as well as in the office of the Secretary of the Treasury?—A. Yes, sir.

Q. As I understand you, the tabulated statement of the public debt, as made up in the Secretary's office in 1870 and 1871, was made up from the accounts of receipts and expenditures?—A. I suppose it was, but I will not undertake to say that nothing else was considered. I think other matters were taken into account, but I understand that the main difference between the tabulated statement made in the Register's office and that made in the Secretary's office originated in this fact, that one



was made from "issues and redemptions" and the other from "receipts and expenditures" accounts, and the trust-funds to which I have referred.

Q. The order of Mr. Saville, chief clerk, directed the Register to make up his tabulated statement in the form as made up in the Secretary's office. Could or could not such a statement in the form prescribed be made up in the main from the accounts of receipts and expenditures in your office?—A. I suppose it could.

Q. You keep an account of issues and redemptions. Now, in your account of issues of bonds they are charged at their face value, of course?—A. Yes.

Q. If bonds are redeemed, are they also put down at their face value on this book?—A. Yes, sir. The issue and redemption account would show that there was so much indebtedness outstanding unpaid, but it would not show exactly what it cost to create it or cost to reduce it.

Q. So that if Mr. Boutwell purchased a bond at 80 cents on the dollar when he was Secretary of the Treasury, when that bond was put upon your final books of issues and redemptions it would go down at par?—A. Yes, sir.

Q. Having charged it as par you would put it on the book as redeemed at par?—A. Yes, sir; but there would be another account of the premium or discount.

By Mr. BECK:

Q. In the Finance Report of 1870, page 276, the Register reports the debt of the United States on July 1, 1869, at \$2,489,002,480.58, and in the Finance Report of 1871, pages 368 and 369, the Register reports the debt of the United States on July 1, 1869, at \$2,588,452,213.94, making a difference of \$99,449,723.36. Were the original entries, or any of them, which had been made on the books of the Register of the Treasury from which the statement of the public debt published in the Finance Report for 1870, page 276, was made up, changed so as to make the fact to appear that the last amount stated in the Finance Report for 1871, page 369, was the true one? If the change was made, state by what authority it was made. If no change in the original entries was made, had the Register any data on his books to enable him to state in 1871 that the debt on the first day of July, 1869, was \$99,449,723.36 more than he had stated it to be at that date when he made his report in 1870, or did the Register simply obey the order of the Secretary and conform the report of 1871 and subsequent reports to the orders of the Secretary?—A. I understand there were no changes made in the original entries on the Register's books. The principal change for that year was caused by making the statement of the public debt without deducting from it the cash in the Treasury, which had been improperly done for the last two years. In this report, after making up the statement of the debt, the officer who did it improperly deducted the amount of cash in the Treasury. I have not examined to see whether the two reports agreed after this correction was made or not. I do not know whether the Register took that statement for the years that were passed and adopted it as his own or not; but I have understood that there was a general examination of the "receipts and expenditures" accounts in the Register's office to see if they could not agree, and that there was a report made on discrepancies, and finally the report made in the Secretary's office for the year 1871 was agreed upon as the correct one; but whether it conformed to the books in the Register's office altogether, or not, I am unable to say. The report for this year, 1878, was made from the books and records of the Register's office; and you will see on look-

ing at it closely that it does not agree with the Secretary's exactly. Last year there was a little difference also. The reports are now made from our books, and the Secretary's are made from his books. The little differences of two or three hundred dollars have been explained, but I cannot now recall them; I think one of \$250, and the only one for that year, was where there had been a duplicate payment.

Q. The Constitution of the United States, in the 7th clause of section 9, article 1, provides that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time," and section 313 of the Revised Statutes of the United States makes it the duty of the Register "to keep all accounts of the receipts and expenditures of the public money, and of all debts due to or from the United States." Now please state by what authority, if any, the Secretary or his chief clerk, or anybody else, could direct the Register either to change his reports or conform them to any view that the Secretary or any one else might have as to the proper mode of keeping and publishing them?—A. I suppose the Secretary has authority to prescribe the manner in which the accounts shall be kept, but I do not suppose that any Secretary has the right to alter the books of the Treasury, and I have always understood that that was never done.

Q. Admitting that the Secretary had the right to prescribe rules for the future action of the Register, had he any sort of authority to give orders as to how past events should be stated, or past reports changed after they had been published and submitted to Congress under the constitutional requirement?—A. I think that would be a question which your committee ought to answer in your report.

By the CHAIRMAN:

Q. Has your report for 1877 and 1878 the usual tabulated statement as to receipts and expenditures and the public debt that you have had as far back as you know anything about?—A. It has.

Q. Has the Secretary's report a tabulated statement of the public debt and the receipts and expenditures?—A. Yes, sir; the reports will show for themselves what is in them.

Q. Are you not as Register the official bookkeeper of the government, and final custodian of all warrants and vouchers, whatever may have been paid for any expenditure or receipt of the government?—A. Yes, sir.

Q. Can any money be received into or paid out of the Treasury without a warrant going through your office?—A. Moneys are received into the Treasury by warrants and paid out on warrants, which by the act of 1789, Rev. Stat., sec. 305, must be drawn by the Secretary, countersigned by the Comptroller, and registered by the Register.

Q. I ask the general question whether any money can be paid out or received into the Treasury without the warrant going through your office?—A. It cannot.

Q. You keep all accounts of the government, do you not, where money, or bonds, or anything which relates to the financial condition of the government is concerned?—A. Yes, sir.

Q. When was the Register's office established?—A. At the beginning of the government, by the act of 1789.

Q. When was the Secretary's office as a warrant division established?—A. The Secretary always issued the warrants, but I think the warrant division as it now exists is of recent origin.

Q. Can you give us the time?—A. I cannot, without looking it up; I think about 1870.

Q. There was such an office as the Secretary's office in legal existence in 1870, when this letter was written that the changes should be made to conform with the Secretary's office?—A. Yes, sir.

Q. The letter to Register Allison, directing the statements to be changed in accordance with those of the Secretary's office, states as a reason the confusion of debt statements in Europe, and nothing is said as to issues or redemptions, past or future. Can you give us any light on that matter?—A. He gives that as the reason why he wishes the two reports of the national debt to agree; what foreign purchasers of our debt commented upon the difference. I suppose the idea was that it had a tendency to impair our credit abroad, seeing we were getting up contradictory or loose reports.

Q. Does that letter give as a reason for changing the manner of keeping books in your office that the redemptions and issues account did not agree, or that the receipts and expenditures account did not support the reports theretofore made by your office?—A. No; the letter only speaks of the injury to the public credit in having the two reports. The two systems of bookkeeping, by which the discrepancy was supposed to have originated, was not referred to by the letter.

Q. Could redemptions and issues increase the debt one year and decrease it the following year from the statements previously made by your office?—A. The amount of receipts into the Treasury on account of a loan might be reported before we report the bonds issued, so that it would depend on the time the reports were made whether the Treasurer's report would agree with ours. Our report would show when those bonds were recorded. The Treasurer's might show when they were paid for or the moneys received. A draft drawn might not be paid for many years; but it would show on our books, because it would be recorded. When we would make a record of a draft upon the Treasury we would not know from that when it was paid. It might not be paid for a long time after.

Q. Would the Secretary's office know it?—A. The Treasurer's office would know when it was paid.

Q. How?—A. From actual payments.

Q. Where does the warrant come to your office from?—A. From the warrant division of the Secretary's office.

Q. The first information you have is the warrant from the Secretary's Office?—A. Yes, sir.

Q. That being so, how could the Secretary know it was paid when it went through your office, not back to the Secretary but to the Comptroller?—A. It would go to the Comptroller before it did to us. He has to approve it before we record it.

Q. A warrant first passes the Secretary's office before it appears in yours?—A. Yes.

Q. Then a warrant would be charged there before it was charged in your office?—A. Yes; they would record it before we registered it.

Q. You are the final custodian when paid, not before?—A. Yes.

Q. Then as long as that warrant is out the Treasurer could not get credit for it in your office?—A. No; he could not get credit for it in any office until he paid it.





Year.	Secretary's statement fur- nished the com- mittee.	a. me.
1860.....	\$76,841,407 83	\$
1861.....	83,371,640 13	
1862.....	581,679,915 93	
1863.....	889,379,652 52	
1864.....	1,393,461,017 57	1,3
1865.....	1,805,939,345 93	1,8
1866.....	1,270,884,173 11	1,2
Totals .....	6,101,537,153 02	6,1
	6,091,812,800 79	.....
Difference ..	9,744,352 23	.....
	Difference or increase furnished the committee Secretary's annual statement	

	Secretary's	
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JANUARY 4, 1879.

WILLIAM WOODVILLE sworn and examined.

By the CHAIRMAN:

Question. What are the two statements now before you?—Answer. "A" and "F." "A" is a comparative statement of the differences in the statements of the outstanding public debt, and "F" is the same in another form.

Q. Did you make up this Statement F from the Finance Reports?—A. Yes, sir.

Q. Is it correct exactly from the Finance Reports?—A. These amounts are exactly taken from the Finance Reports, a true copy.

By Mr. ALLISON:

Q. Name the years.—A. 1870 and 1871.

By the CHAIRMAN:

Q. Were the figures which you have on Statement A taken from the Finance Reports?—A. They are statements furnished the committee compared with statements in the Finance Reports and then taken from the Finance Reports, running through all sorts of statements—the Secretary's statement and the Register's statement furnished the committee compared with the statements in the Finance Reports, and then the statements in the Finance Reports compared with each other.

Q. Just read the headings of your statement.—A. "Exhibit of differences between statements furnished the committee and statements in Finance Reports, and of difference between statements in Finance Reports for the fiscal years 1860 to 1870, inclusive. 'A.' Prepared for the Senate Committee on Treasury Accounts."

Q. Are the figures upon that statement exact copies from the Finance Reports and statements furnished you by the Treasury Department?—A. Yes, sir.

By Mr. ALLISON:

Q. What do you mean when you say "statements furnished by the Treasury Department"? Do you mean published statements or statements furnished specially?—A. Statements furnished specially to the committee by the Secretary and Register under call of the chairman.

Q. Except those statements, all the other data are derived from the published reports?—A. Yes, sir.

By the CHAIRMAN:

Q. Give the heading of Statement F.—A. "Statement of the public debt."

The statements referred to by Mr. Woodville are as follows:

## STATEMENT F.

PREPARED BY SENATE COMMITTEE ON TREASURY ACCOUNTS.

*Secretary's and Register's tabulated statements of the public debt for the fiscal years 1833 to 1870, inclusive.*

Copied from the Finance Reports of 1870 and 1871.

Year.	Secretary's statement, Finance Report, 1870, page xxv.	Register's statement, Finance Report, 1870, page 276.	Secretary's compared with Register's.		Register's statement, Finance Report, 1871, page 368.	Year.
			Increase.	Decrease.		
1833.....	\$7,001,698 83	\$7,001,033 88	\$665 95		\$7,001,698 83	1833
1834.....	4,760,082 04	4,760,081 08	1 00		4,760,082 08	1834
1835.....	37,513 05	351,289 05		\$313,776 00	37,513 05	1835
1836.....	336,957 83	291,089 05	45,868 78		336,957 83	1836
1837.....	3,308,124 07	1,878,223 55	1,429,900 52		3,308,124 07	1837
1838.....	10,434,221 14	4,857,660 46	5,576,560 68		10,434,221 14	1838
1839.....	3,573,343 82	11,983,737 53		8,410,393 71	3,573,343 82	1839
1840.....	5,250,875 54	5,125,077 63	125,797 91		5,250,875 54	1840
1841.....	13,504,480 73	6,737,398 00	6,857,082 73		13,504,480 73	1841
1842.....	20,601,226 28	15,028,486 37	5,572,739 91		20,601,226 28	1842
1843.....	32,742,922 00	27,263,450 69	5,539,471 31		32,742,922 00	1843
1844.....	23,461,652 50	24,748,188 23		1,286,535 73	23,461,652 50	1844
1845.....	15,925,303 01	17,093,794 80		1,168,491 79	15,925,303 01	1845
1846.....	15,550,202 87	10,750,926 33		1,200,723 36	15,550,202 87	1846
1847.....	38,826,534 77	38,956,623 38		130,088 61	38,826,534 77	1847
1848.....	47,044,862 23	48,526,379 37		1,481,517 14	47,044,862 23	1848
1849.....	63,061,858 69	64,704,693 71		1,642,835 02	63,061,858 69	1849
1850.....	63,452,773 53	64,228,238 37		775,464 82	63,452,773 53	1850
1851.....	68,304,796 02	62,560,395 26	5,744,400 76		68,304,796 02	1851
1852.....	66,199,341 71	65,131,692 13	1,067,649 58		66,199,341 71	1852
1853.....	59,803,117 70	67,340,628 78		7,537,511 08	59,803,117 70	1853
1854.....	42,242,222 42	47,242,206 05		4,999,983 63	42,242,222 42	1854
1855.....	35,586,956 56	39,969,731 05		4,382,774 49	35,586,956 56	1855
1856.....	31,972,537 90	30,963,909 64	1,008,628 26		31,972,537 90	1856
1857.....	28,699,831 85	29,060,386 90		360,555 05	28,699,831 85	1857
1858.....	44,911,881 03	44,910,777 66	1,103 37		44,911,881 03	1858
1859.....	58,496,837 88	58,754,699 33		257,861 45	58,496,837 88	1859
1860.....	64,842,287 88	64,769,703 08	72,584 80		64,842,287 88	1860
1861.....	90,580,873 72	90,867,828 68		286,954 96	90,580,873 72	1861
1862.....	524,176,412 13	514,211,371 92	9,965,040 21		524,176,412 13	1862
1863.....	1,119,772,138 63	1,098,793,181 37	20,978,957 26		1,119,772,138 63	1863
1864.....	1,815,784,370 57	1,740,690,489 49	75,093,881 08		1,815,784,370 57	1864
1865.....	2,680,647,869 74	2,682,583,026 53		1,944,156 79	2,680,647,869 74	1865
1866.....	2,773,236,173 69	2,783,425,879 21		10,189,705 52	2,773,236,173 69	1866
1867.....	2,678,126,103 87	2,692,199,215 12		14,073,111 25	2,678,126,103 87	1867
1868.....	2,611,687,851 19	2,636,320,964 67		24,633,113 48	2,611,687,851 19	1868
1869.....	2,588,452,213 94	2,489,002,480 58	99,449,733 36		2,588,452,213 94	1869
1870.....	2,480,672,427 81	2,386,358,599 74	94,313,828 07		2,480,672,427 81	1870
Total ..	20,233,160,879 33	19,985,393,537 67	332,843,805 54	85,076,553 88	20,233,160,879 33	
		19,985,393,537 67		85,076,553 88	19,985,393,537 67	
Difference ..	247,767,341 66		247,767,341 66		247,767,341 66	
Difference, or increase, in Secretary's statement, as compared with Register's statement.....						
			247,767,341 66			

WILLIAM P. TITCOMB sworn and examined.

By the CHAIRMAN:

Question. What position do you occupy in the Register's office?—  
Answer. Assistant Register.

Q. How long have you been Assistant Register?—A. Since July 1, 1876.

Q. How long have you been in the Register's office, and what has been your occupation while you have been there?—A. Since August 27, 1864. My duties have been various. For six or eight years I was employed in the loan division; I was then appointed chief of the tonnage division; and on the 1st of July, 1875, I was appointed Deputy Register and continued in that office until my appointment to my present position, that of Assistant Register.

Q. Will you tell us briefly what the duties of the Assistant Register are?—A. All duties devolved on me by the Register. I have supervision of the clerical force of the office, and assist the Register in the performance of his duties.

Q. Do you act as Register in the absence of the Register?—A. Yes, sir; I act as Register in his absence.

Q. Was Mr. Allison Register from 1869 to 1871?—A. He was.

Q. When did he die?—A. On the 23d of March, 1878.

Q. Did you act as Register until Judge Scofield was appointed?—A. I did.

Q. Do you know, between 1869 and 1871, of instructions from the office of the Secretary of the Treasury to change figures relating to the debt statement?—A. Yes, sir; I think the changes directed related to the public-debt statements.

Q. Were the changes made by the Register willingly, or do you know whether they were under protest?—A. The changes, as they affected the statements of former years, were, as I understand, protested against. I hardly know that I should state that there was a protest. It was, in the judgment of the late Register, unnecessary to make the changes. I know that Mr. Allison expressed the opinion officially to the Secretary that, in his judgment, it was not advisable to make any change in regard to the statements of former years under former administrations.

By Mr. ALLISON:

Q. Was this official advice of the Register to the Secretary in writing, do you remember, or was it simply an oral or verbal statement to you?—A. It was a verbal statement.

Q. In your presence?—A. Yes, sir.

By the CHAIRMAN:

Q. Do you know of written instructions, as well as verbal, given the Register by the Secretary?—A. There was a written direction given the Register by the chief clerk of the department, as representative of the Secretary.

Q. Was your office in the habit of receiving directions from the chief clerk as officially coming from the Secretary?—A. Yes, sir.

Q. When were those changes made?—A. In the report for 1871.

Q. What report?—A. The Register's report to the Secretary.

Q. Was the Secretary's report transmitted to Congress in an official way, do you know?—A. Yes, sir.

Q. What did the changes involve?—A. It was believed that the changes involved corrections, and that after the changes were made the statements were more nearly the absolute facts. As I understand it,



the changes were based on the belief that the former statements had not been so absolutely correct.

Q. Do you know the amount involved in the changes?—A. I cannot state.

Q. Can you approximate to it?—A. I cannot.

Q. Were the vouchers, or warrants, as I believe you call them, and the books of the Register's office re-examined from 1833 down to 1870?—A. I am unable to state from my personal knowledge. I had nothing to do with it. I had no knowledge of it until some years after that date.

Q. Were you in the office?—A. I was in the office. I was a clerk at that time in the loan division, and had no connection with this matter.

By Mr. ALLISON:

Q. You did not help make up this statement?—A. No, sir.

By the CHAIRMAN:

Q. What were your duties as clerk? Were you a clerk in the ordinary sense of the word, or had you charge?—A. I had no independent charge. My duties at that time were issuing registered bonds.

Q. If an examination of the warrants and books for thirty-five years back, from 1870, had been made, would you have been likely to know it?—A. No, sir.

Q. You would not have been likely to know what was going on in the Register's office at that time?—A. No, sir.

Q. Can you state from your knowledge of the office how long and how many persons it would take to re-examine the books and warrants for thirty-five years back carefully and correct errors?—A. That would depend upon whether I suspected there was anything wrong. If I did not suspect that there was anything wrong I should take the footings from the books. That would not be a very heavy work. If I suspected that there was any erroneous entry it would be necessary to examine all the warrants, which would take very much longer. I cannot estimate the exact time or approximate time necessary to make such an examination at once. The accounts are kept by appropriations, and each warrant is entered under the head of its proper appropriation.

Q. How long would it take, and how many men, to go carefully over your books and make proper comparisons looking for errors, if there were any, for the last year?—A. I am not sufficiently familiar with the amount of time that is required for that work to give an accurate or valuable estimate, but the man immediately in charge of that can state very readily, perhaps. I have never been employed on that work, and have not such knowledge of the details as to give a satisfactory reply to the question.

Q. I understood you to say that you did not know whether or not the warrants and books were re-examined in 1870, previous to the changed statement made in 1871?—A. I have no knowledge on that point.

Q. Do you know where the examination, if any, took place; where the statement, in other words, came from which your office adopted in the report of 1871, the tabulated statement of the debt?—A. I do not.

Q. You took charge of the office at the death of Mr. Allison?—A. Yes, sir.

Q. Did you find in his drawer, probably called the private drawer, a letter and papers relating to the change in the public-debt statement of 1870?—A. I found there the letter of the chief clerk of the department of 1870, in which he directed the Register to discontinue the statements which had been made, or to make them conform to certain statements published in the report of the Secretary on the finances for that year or the preceding year.

Q. Did you find any other paper?—A. I found no other paper relating to that subject, and, as I believe, made a careful examination of all the papers with a view to separating the official from the personal papers, and I was assisted in that work by two personal friends of the late Register, and they handed me some official papers as they discovered them, and the design was to leave everything of an official nature with me. I saw no such paper, and I never have seen any such paper, to the best of my knowledge and recollection.

Q. Have you now the papers that were handed you?—A. I have not them separately; they are undoubtedly in the office, any official papers that may have been in the Register's desk.

Q. How many were there?—A. I do not recollect now. I know there were some official papers.

Q. Have you seen among those papers, or among any papers in your office, a tabulated statement made up in 1870 by the Register showing the changes that were made in the debt statement under the order received from the Secretary?—A. No, sir.

By Mr. BECK:

Q. Ought not the annual report of the Register to be a transcript from the public ledger in his office?—A. That I doubt. If it were designed that his report should show the exact payments that were made, for instance, his books might not show it readily. We record everything by warrants, and the books would show the warrants issued; as they are issued they are recorded. The warrants that are issued during any fiscal year, and not paid until the next year, would have to be deducted. We make up the final accurate statement of receipts and expenditures, which shows just the exact amounts received and expended, from the statement of the Treasurer's accounts; that is exact and final; that is a volume published, entitled "Receipts and Expenditures;" but that cannot be made up for some considerable time after the close of the year because the accounts are not settled.

Q. Still, the question I put to you is, ought not the annual report of the Register to be a transcript from the public ledger in his office? Whether it shows an exact agreement with the Secretary or not, it purports to be from the ledger in his office, does it not, as it was at the time made out?—A. Yes, sir.

Q. Do or do not the reports so made by the Register in compliance with the requirements of the laws purport to be absolutely true, and are they not evidence of the facts stated?—A. Yes, sir.

Q. Then will you state, if you can, how the facts which enabled the Register to make the reports of 1870 and 1871 as to the public debt of the United States on June 30, 1869, could both be obtained from the same set of books?—A. I hardly feel as if I could explain that. My understanding of it, however, is that they were made upon a different basis; that the report made up for 1869 was not made upon the basis of the receipt and expenditures simply.

Q. The report of 1871 as to the debt of 1869 varied from the report of 1870 as to the debt of 1869, and was made up not by the Register from his own books, but from a statement furnished him by the Secretary, which he was directed to adopt, in order to correspond with the new mode of bookkeeping, which, it was claimed, would more correctly set forth the debt?—A. I do not understand it that way.

Q. What I want to get at is, how the Register's report of 1871, as to the debt of 1869, was made up.—A. In regard to the statement of the public debt particularly, it would differ according to the books from which it

was made. There is so much outstanding under each loan on the first of January, and our books show it in the loan division that there have been so many four per cents. issued, for instance. If we go to our books in the receipts and expenditures division, it will not agree with that, because they are made up from the warrants covering money into the Treasury and the warrants paying out money from the Treasury, and of course they show the exact amount that has been received on account of that four per cent. loan, for example, including the thirty-first day of December. That will not be the same that we pay interest on. It will show every dollar that has been borrowed under that act up to the thirty-first day of December. Now, my understanding of it is, that those reports were changed between those two years, and instead of being stated by the amount of certificates that were outstanding under each particular loan, the statement in 1871 was made to show the amount of money that was received under each particular loan, the amount actually borrowed without reference to whether there had been any certificate of indebtedness issued or not. So that there might be a differing statement prepared in the office of the Register, according as the issue books were made the basis of the statement or the receipts and expenditures books. The amount outstanding on the books of the loan division is the amount we pay interest on at the end of the fiscal year; for instance, we may receive on the last day of the fiscal year a subscription of ten million, and that money is paid in; it is in the Treasury; it has been borrowed, but the certificates are not issued and the evidence of indebtedness is not outstanding for some weeks after that time. So it is evident that the two statements made, according to the issues and redemptions or according to the receipts and expenditures, would differ at any given day.

By Mr. ALLISON:

Q. They would differ every day, would they not?—A. Always at any time until the loan became an old one. When there had been no transactions under it for any considerable time, of course that would bring them together.

By Mr. BECK:

Q. Do you keep two sets of books relating to the public debt in the office of the Register of the Treasury, one showing the receipts and expenditures, and the other the issues and redemptions?—A. We do.

Q. Explain how.—A. In separate divisions. They would show different results on any given day, dependent on the state of the accounts.

Q. As stated in your previous answer?—A. They do so ordinarily.

Q. You stated in answer to Mr. Davis that the Register, when he received the order to make his subsequent statement conform to the mode suggested by the Secretary, objected to doing it so far as past years were concerned, did you not?—A. That is my understanding. It was derived from the personal statement of Mr. Allison to me.

Q. Do you know any law or authority whereby the Secretary of the Treasury may require the Register to alter any statement of his as to the debts of the United States as they existed in previous years?—A. I do not know; my attention has not been called to that before.

Q. Do you know when the Secretary of the Treasury first began to make out and keep in what is now known as the Secretary's office statements of the public debt and of receipts and expenditures of the same general character as those which the Register is required to keep?—A. I do not recollect.

Q. Was it since you came into the Treasury Department?—A. I do not know that fact.

By Mr. ALLISON :

Q. Who has charge now of the loan division books in your office ?—A. Mr. Hartwell Jenison, chief of the division.

Q. That is the division of issues and redemptions ?—A. Yes, sir.

Q. Do you know who was in charge of that division from 1869 to 1871 ?—A. I should have to refer to the records to see the date of Mr. Jenison's appointment. He was, I find on examination, appointed chief of that division October 1, 1869. His predecessor is dead.

Q. Are the accounts of receipts and expenditures separate accounts from the accounts of issues and redemptions ?—A. Entirely. They are kept in the division of receipts and expenditures, which is a separate division.

Q. In your accounts of receipts and expenditures are all transactions relative to the receipts for loans and expenditures on account of loans kept ?—A. Yes, sir.

Q. Is there a separate ledger covering the public debt in the receipts and expenditures division ?—A. Yes, sir.

Q. Who has charge of that division ?—A. Mr. J. Hamilton Beatty.

Q. How long has he had charge of it ?—A. Since December 1, 1871.

Q. Who had charge of those books from 1869 to 1871 ?—A. Mr. D. R. B. Nevin.

Q. Who has the custody of the books in these several divisions ?—A. The chiefs of the divisions.

Q. Do you keep copies of all letters written in the office of the Register ?—A. Copies are kept of all letters written by the Register.

Q. I find in a printed statement a letter dated "Register's Office, December 20, 1872," signed by "John Allison, Register," addressed to the Secretary of the Treasury. Will you furnish a copy of that letter to our shorthand reporter, verified from your office ?—A. Yes, sir. It will be a copy of the record of the letter. I would suggest that it would be entirely practicable to have the original produced, if it be desirable. It is undoubtedly on file in the Secretary's office.

Q. I find in this letter the Register states: "To carry out the design of your office to have the public debt stated according to the receipts and expenditures, as well as according to the loan account, it is proposed to open a set of books in this office on the basis of this report, on which, subsequent to July 1, 1871, every warrant covering receipts from loans will be credited, and every pay warrant issued in the redemption of a loan will be charged to its proper loan." Have you opened a new set of books in accordance with this suggestion of the Register ?—A. I believe that proposition was never adopted or never carried out. The same plan has been pursued since that date as was pursued prior to it.

Q. Will your books, as now kept, show substantially what was proposed with this new set of books ?—A. Yes, sir; undoubtedly.

Q. In the letter above alluded to the Register states that he sends to the Secretary "A report on the public debt according to the receipts and expenditures, and also comparative statements showing the differences between the loan account and the receipts and expenditures account;" and he also states that in making up this report "it necessitated the re-examination of every account from 1836 to July 1, 1871." Will you ascertain under whose direction this report was made up and furnish this report to the committee, as well as the name of the person under whose immediate charge it was made ?—A. I can state now by whom that examination was made, or the person having charge of it, and who made the report. It was the then chief clerk of the Register's office, Maj. J. T. Power, who is now the chief of the warrant division in the Secretary's office.

By the CHAIRMAN:

Q. I hand you the Finance Reports of 1870 and 1871, and call your attention to the tabulated statements made by the Register. Be kind enough to look at them both.—A. I see them.

Q. These are the tabulated statements made by the Register for 1870 and 1871?—A. They are.

Q. Do they agree in figures?—A. I see that for the year 1870 they do not agree.

Q. What difference is there?—A. Some \$96,000,000 difference.

Q. Are there any other years for which they do not agree?—A. They do not agree for 1869.

Q. What is the difference there, in round numbers?—A. One hundred million dollars.

Q. Follow it on further.—A. For 1868 there appears to be a difference of about \$25,000,000.

Q. State which is the largest in amount, the 1870 or 1871 statement?—A. The 1871 statement.

Q. You have stated three years; one amounting to \$90,000,000, another to nearly \$100,000,000, another to nearly \$25,000,000. Are there not other years where the amounts do not agree in these two reports?—A. Yes, sir; the years immediately preceding those years.

Q. How far back do the tables in the two reports differ?—A. Without examining each item, I see that a difference occurs in 1833. That is apparently the first year.

Q. And there are more or less differences from 1833 down to 1870, according to these reports?—A. Yes, sir.

Q. Were both these reports made in the office of the Register?—A. Undoubtedly they were.

Q. Can you state whether or not the report of 1871 was made in pursuance of instructions from the office of the Secretary of the Treasury under the letter referred to by yourself and Judge Scofield?—A. I believe that to have been the case, or I had better say that I believe that the report for 1871 was made in accordance with the instructions of the chief clerk to show the correct amount of the public debt. My understanding is that there was an error made before.

Q. The question was whether or not, of the two different statements before you, one was made under instructions from the office of the Secretary of the Treasury, and whether or not that was the cause of the changes?—A. I really do not know.

Q. Senator Allison has referred to a pamphlet dated "Register's office, December 20, 1872." Will you tell us whether or not the two reports that you have there were made previous to the getting up of that document which I now hand you, and, if so, how long?—A. They undoubtedly were made before, and the later one was made about a year before, probably. The preparation of this report was commenced shortly after the report of 1871 was made.

Q. Then I understand that the two reports to Congress which show different amounts of the public debt were made, the last one a year previous to the pamphlet of which Senator Allison has spoken?—A. I conclude so from the dates.

Q. Now turn to pages 28 to 31 of that pamphlet; is there there a statement made up from the loans of the public debt on those three pages?—A. There is.

Q. Will you turn to the years you have just told us of—take 1870—and state whether or not this pamphlet agrees in the amounts with either of the two reports as to the total indebtedness?—A. I see that they do not agree.

Q. Neither of the reports agrees with the other?—A. The total figures do not agree.

Q. That is what I am asking.—A. There seems to be an explanation here.

Q. I only ask if the totals agree?—A. They do not agree.

Q. Do they agree for any of the years commencing at 1860 and ending with 1870?—A. 1860 agrees, 1861 agrees, 1862 does not agree, the difference being about four millions apparently; but there is a note there as an explanation.

Q. We are asking now as to the total amounts.—A. 1863 does not agree in the total; 1864 does not agree in the total; 1865 does not agree in the total; 1866 does not agree in the total; 1867 does not; 1868 does not; 1869 does not; and 1870 and 1871, as I have already said, do not.

Q. Then I understand you that neither the report of 1870, the report of 1871, nor the pamphlet, all issued by the Register, agree in the amounts as to the total of the public debt?—A. So it appears.

By Mr. BECK:

Q. Had not all the annual reports of the various Registers of the Treasury made prior to the report of 1871 agreed substantially with each other as to the public debt of the United States for each year?—A. Yes, sir.

Q. Since 1871-'72 does not each annual report substantially adopt the previous report for all except the year with which it deals?—A. I believe so.

Q. So that in fact the material changes, whether they were the system or what not, that occurred, occurred between 1869 and 1871?—A. I think they occurred in 1871 exclusively, with the exception of a blunder in this tabulated statement which was made by Mr. Nevin—he did not know how to make it—the blunder of deducting the cash in the Treasury.

By Mr. ALLISON:

Q. In answer to Senator Beck you say that the reports for 1870, and prior years, from the Register's office, substantially agree as to the public debt; you also say that the reports of 1871, and subsequent years, substantially agree?—A. Yes, sir.

Q. Now, will you state briefly whether or not the mode of stating the debt in the Register's office was the same for 1870 and prior years, as for 1871 and subsequent years, and, if not, state the difference?—A. The mode of stating it was different. There was a change in the mode of stating the debt.

Q. When?—A. After 1870.

Q. You speak of the great discrepancy in 1869 and 1870. How do you understand that that originated?—A. My understanding is that it originated in the Receipts and Expenditures Division, by the chief of that division taking the monthly public-debt statement as a guide to him instead of going to the books of that division; he thought that was an official statement. That is my understanding of it.

Q. And he deducted the cash in the Treasury from the amount of the debt?—A. That is apparently the way in which he arrived at the figures which were published in the Register's report.

By the CHAIRMAN:

Q. When does the fiscal year of the government end?—A. It ends on the 30th day of June.

Q. When are the reports made to Congress?—A. The report is made upon the reassembling of Congress at its next session following the close of the fiscal year.

Q. How many months are there between the close of the fiscal year and the completing of the reports to Congress?—A. About five months.

Q. Do you know whether the Secretary's Finance Report for the present year is yet in print?—A. It is in print. I hardly think it is out of the hands of the binder, as I have not received any copy, but I have no doubt you can get one if you desire it, without waiting for its being bound.

Q. There are five months, in round numbers, between the closing of the fiscal year and the reporting to Congress of any account. Are those five months generally used for the purpose of getting up the accounts and seeing whether there are errors, and getting in statements?—A. The accounts are not settled and allowed until some time after the close of the fiscal year. That time is spent in the settlement of the accounts to a considerable extent. The Register is required by the Secretary to have his report ready by the first of November for the printer. There the interval is only four months.

Q. You stated something in connection with bonds and amounts, that they might change from the 30th of June to the 1st day of July, being in different offices on different days. Is not the time named, between the 30th of June and December 1, used for the purpose of getting up the accounts and making them agree, getting the statements from the different offices for the purpose of agreeing?—A. I know of no necessity for agreement.

Q. If there was a necessity?—A. There would be opportunity for it if it were necessary.

Q. Ought not the books of the Register, Treasurer, Secretary, and First Comptroller all to agree on any and every point in which money passes through the department?—A. They ought to agree in certain respects, but there are some respects in which some of these books would not show what others would show.

Q. Does any warrant pass through the department without going through the four different bureaus or divisions, and being entered in all?—A. No, sir. The Treasurer receives the warrant finally for payment. It is his warrant for making the payment. The Secretary's books would show the issue of warrants, but would not show at all times the amount paid by the Treasurer. They would show the amount he was authorized to pay, but not the payments.

Q. The Secretary's books may not show at all times the amount paid by the Treasurer?—A. That is my understanding.

Q. Do you know of Register Allison going in person to the Secretary to remonstrate against making changes relating to the accounts previous to the time the order was received?—A. He informed me that he had stated to the Secretary that in his judgment it was not worth while to correct the statements that had been published during the former administrations, and I understood that that letter of Mr. Saville was received subsequently to his making that statement to the Secretary. I understood him to state that that was a question of expediency in his judgment, that he would not have corrected a statement that had been made by former administrations in regard to the public debt, or receipts and expenditures, and published, even if he knew it to be erroneous. His language was something like this, that he would have taken it up as he came into office and made every statement correct, and let the old statements stand to take care of themselves.

Q. The changes as made then changed the statements that had been

furnished by numerous Secretaries and Registers who had preceded ?—A. They made a different statement for the same period.

Q. And those statements changed the figures, as you have them before you, in the reports of 1870 and 1871 ?—A. Yes, sir.

By Mr. ALLISON:

Q. That is, changed the tabulated statements ?—A. Yes, sir.

By the CHAIRMAN:

Q. Mr. Beck has asked you whether your report made to the Secretary and by the Secretary to Congress ought not to be an exact transcript of your books at all times ?—A. I should call them a compilation from the books. It is bringing together various items.

Q. And should be a true statement, and intended to be a true statement, from the books ?—A. Undoubtedly.

JANUARY 6, 1879.

WILLIAM GUILFORD sworn and examined,

By the CHAIRMAN:

Question. Are you connected with the Register's office ?—Answer. Yes, sir.

Q. What are your duties there ?—A. I have charge of making up the receipts and expenditures of the government, and also of making up different statements that are required by members of Congress and the departments, generally furnishing information connected with our office.

Q. How long have you been in the Register's office ?—A. Fifteen years last November.

Q. State briefly what your duties have been during the full time.—A. They are, as I stated before, to prepare the receipts and expenditures annually, which I have a force of clerks detailed to assist me at, and preparation of statements required from time to time. For instance, I made out the statement required by the committee.

Q. The object of the question was to know whether you had been engaged the entire time you have been in the office on that work.—A. No, sir. Since about 1867 or 1868, I think, I have had charge of that work.

Q. What did you do previously ?—A. I did miscellaneous work. I used to keep some of the appropriation ledgers, and did a variety of miscellaneous work that was required.

Q. What is your official position ? Are you chief of one of the divisions, or head of a division, or keeper of any particular accounts ?—A. My principal work is having charge of getting up the receipts and expenditures, and I have a force of four clerks under me. Mr. Beatty is chief of the receipts and expenditures division, and I am subordinate to him.

Q. Was Mr. Allison Register in 1869 and 1870 ?—A. Yes, sir.

Q. He is dead now, I believe ?—A. Yes, sir.

Q. Do you know of a letter of instructions, or verbal instructions, from the Secretary's office to Mr. Allison in 1869 or 1870 in regard to a change of the way of stating the accounts ?—A. Yes, sir.

Q. What do you know of it ?—A. Mr. Allison showed me that letter, and I knew of it outside. Mr. Ross A. Fish told me Mr. Saville was going to send such a letter.

Q. What letter have you reference to ?—A. A letter in which Mr Saville recites, in substance, that the discrepancy between the statement



of the public debt by the Register's office and the Secretary's office would have a tendency to impair our credit abroad, and requesting Mr. Allison to change his figures of the public-debt statement in accordance with that published by the Secretary. That was the substance of the letter.

Q. Was there a statement sent from the Secretary's office to the Register by which he knew how to change the figures?—A. Not that I am aware of. He referred him to the way in which it had been stated in the Secretary's office the previous year.

Q. I hand you the Finance Report of 1870 and ask you if that is the statement he referred to (pointing to page 25 of the Report of 1870)?—A. The Finance Report of 1870, page 25, contains the table which the Secretary wished referred to.

Q. Has the Register a tabulated statement of the public debt in the same report?—A. Yes, sir. It does not correspond with the other.

Q. Will you turn to it?—A. Yes, sir; it is on page 276.

Q. You say it does not correspond with the other statement?—A. It does not.

Q. Was it a part of your duty to make up that table of the Register?—A. Not at that period; not until subsequently.

Q. Do you know whether the Register's table as prepared in that volume was a true transcript of the books of the Register's office?—A. I do not. I know that for the year 1869-'70 it was not a true transcript of the books.

Q. Was it a true transcript previous to 1869-'70?—A. I do not know. It was not made up by me. It was made up by Mr. Marsh, of the Secretary's office, in conjunction with the Register's office. It was made up from the issues and redemptions, and a portion of those were kept in the Register's office and a portion in the Secretary's office, and it could only be made up by a combination of the two offices.

Q. Which table are you describing now?—A. The Register's table, page 276.

Q. You say it was not a true transcript of the books?—A. I know that for the years 1869 and 1870 it was not. There was an error on the part of the clerk who made it up, an error of nearly one hundred million dollars in each year.

Q. Could an error running over two years of one hundred millions in your office remain two years without being detected?—A. It was not in the office; it was merely in this table.

Q. Is that table officially signed? Did it go officially from the Register's office?—A. Yes, sir, the whole report did. It seems that it was not discovered until 1871, when it was corrected.

Q. Were there errors in that table to your knowledge previous to 1869?—A. There were no errors to my knowledge, but it was stated previous to 1869 from entirely different data from what it was stated for 1869. It was stated from the issues and redemptions prior to 1870, and subsequent to that it was stated from the receipts and expenditures, being different data altogether.

Q. Does that table of the Register substantially agree with each year as stated there from the beginning of the government down to 1870?—A. I cannot say positively without a reference.

Q. Take any report; I hand you for instance the one of 1868; look and see whether those two agree.—A. (After examining.) I should say it did, from the slight examination I have given it, exactly agree.

Q. Take that report as far back as 1857-'58 and see whether it substantially agrees with that.—A. My impression is that it is so to all

intents and purposes. I have not examined all the reports; but the reports themselves will show.

Q. Was the change in the report between 1870 and 1871 in the Register's office in consequence of a letter received from the Secretary's chief clerk to the Register?—A. So I understand.

Q. Do you know whether the Register made the change willingly, or whether he thought it ought not to be done?—A. He told me he objected to it on the ground that he did not think it well to disturb any past and back statements, and that he remonstrated with the Secretary about changing it.

Q. What was the reply?—A. I do not know the words of the reply, but the Secretary sustained Mr. Saville in demanding the change.

Q. How far did that change go back—to what year?—A. I think it went back to about 1835.

Q. Do you know the amount of difference the changes involved in the public-debt statement?—A. They involved in some years very heavy differences, from the fact that, as previously stated, from the issues, if a loan of a great many million dollars had been issued and recorded, it would appear in the debt statement; but in the present mode of statement from the receipts and expenditures, it would not appear until that loan was negotiated, and sometimes, as if the loan was issued in the latter part of a fiscal year for a great many million dollars and it was not negotiated until the next fiscal year, it would make a number of million dollars difference—the whole amount of the loan.

Q. Do you know the amount it did involve? Have you a statement of the differences?—A. I have prepared such a statement of the differences, I believe, for this committee.

Q. Has there been a statement in your office by my request made to-day that you would present us to show what the differences were?—A. I was told that you required a statement of that kind, but that it had been prepared. I know I prepared a statement giving the increases and decreases from one year to another.

Q. (Holding paper marked "Statement F.") Is the statement of differences there correct?—A. (Examining.) It appears that the differences in the various years are correctly set forth in that statement; but I do not adopt the footings by way of addition. I examined the figures before I came here, and I found the differences that appear on this Statement F to be correct. The differences between the statement of the public debt in the reports of 1870 and 1871 are as follows:

For 1833, \$665,  $\frac{2}{10}$  increase in the report of 1871.

For 1834, \$1  $\frac{2}{10}$  increase in the report of 1871.

For 1835, \$313,776  $\frac{0}{10}$  decrease in the report of 1871.

For 1836, \$45,868  $\frac{7}{10}$  increase in the report of 1871.

For 1837, \$1,429,900  $\frac{2}{10}$  increase in the report of 1871.

For 1838, \$5,576,560  $\frac{2}{10}$  increase in the report of 1871.

For 1839, \$8,410,393  $\frac{7}{10}$  decrease in the report of 1871.

For 1840, \$125,797  $\frac{2}{10}$  increase in the report of 1871.

For 1841, \$6,857,082  $\frac{7}{10}$  increase in the report of 1871.

For 1842, \$5,572,739  $\frac{2}{10}$  increase in the report of 1871.

For 1843, \$5,539,471  $\frac{2}{10}$  increase in the report of 1871.

For 1844, \$1,286,535  $\frac{7}{10}$  decrease in the report of 1871.

For 1845, \$1,168,491  $\frac{7}{10}$  decrease in the report of 1871.

For 1846, \$1,200,723  $\frac{2}{10}$  decrease in the report of 1871.

For 1847, \$130,088  $\frac{2}{10}$  decrease in the report of 1871.

For 1848, \$1,481,517  $\frac{2}{10}$  decrease in the report of 1871.

For 1849, \$1,642,835  $\frac{2}{10}$  decrease in the report of 1871.

For 1850, \$775,464  $\frac{82}{100}$  decrease in the report of 1871.  
 For 1851, \$5,744,400  $\frac{79}{100}$  increase in the report of 1871.  
 For 1852, \$1,067,649  $\frac{92}{100}$  increase in the report of 1871.  
 For 1853, \$7,537,511  $\frac{98}{100}$  decrease in the report of 1871.  
 For 1854, \$4,999,983  $\frac{92}{100}$  decrease in the report of 1871.  
 For 1855, \$4,382,774  $\frac{92}{100}$  decrease in the report of 1871.  
 For 1856, \$1,008,628  $\frac{92}{100}$  increase in the report of 1871.  
 For 1857, \$360,555  $\frac{95}{100}$  decrease in the report of 1871.  
 For 1858, \$1,103  $\frac{27}{100}$  increase in the report of 1871.  
 For 1859, \$257,861  $\frac{45}{100}$  decrease in the report of 1871.  
 For 1860, \$72,584  $\frac{80}{100}$  increase in the report of 1871.  
 For 1861, \$286,954  $\frac{92}{100}$  decrease in the report of 1871.  
 For 1862, \$9,965,040  $\frac{91}{100}$  increase in the report of 1871.  
 For 1863, \$20,978,957  $\frac{29}{100}$  increase in the report of 1871.  
 For 1864, \$75,093,881  $\frac{92}{100}$  increase in the report of 1871.  
 For 1865, \$1,945,156  $\frac{79}{100}$  decrease in the report of 1871.  
 For 1866, \$10,189,705  $\frac{82}{100}$  decrease in the report of 1871.  
 For 1867, \$14,073,111  $\frac{25}{100}$  decrease in the report of 1871.  
 For 1868, \$24,633,113  $\frac{48}{100}$  decrease in the report of 1871.  
 For 1869, \$99,449,733  $\frac{92}{100}$  increase in the report of 1871.  
 For 1870, \$94,313,828  $\frac{97}{100}$  increase in the report of 1871.

Q. Do you know of a statement made by Mr. Allison, then Register showing the differences between the Register's statement and the Secretary's statement made up at the time?—A. There were several statements made up at different times in regard to these discrepancies in receipts and expenditures and the public debt. I do not know what particular one you have reference to.

Q. Do you know of one that Mr. Allison kept among his private papers?—A. I could not tell unless I saw it.

Q. Did you ever see one that he had in his private drawer?—A. I could not say unless I should see it to refresh my memory.

Q. If the committee should want a thorough examination of the books and the warrants for a given year, say 1869, with a view of looking for errors, if there were errors, how long would it require to examine that year, and how many persons would have to work at it?—A. That would depend a good deal upon the persons who were employed. If you employed the clerks of the office who are familiar with the books, they could, of course, do it with a great deal more rapidity than many outsiders would. I should think it would take persons who are thoroughly familiar with the books about from three to four months, and at least double that time for persons who were not familiar, from the fact that a person who is familiar knows almost to a page, he can turn almost to the page exactly without reference to the index; whereas a person who was unfamiliar with the books might require some five or six minutes to find by the index the page of accounts he might wish to refer to. There were about thirty thousand warrants issued in 1869. Some of those warrants have as high as from twenty to thirty entries, each entry requiring to be posted at a different place in the ledger; and, estimating that a clerk would do one hundred warrants in a day, which is considered a pretty fair day's work, it would take him about three hundred days.

Q. To examine a given year, how long and how much force would it require with clerks in your office?—A. I say it would take from three to four months for clerks in our office who were familiar with the work, and double that time for persons not familiar.

Q. You have not stated what number of clerks yet.—A. Two clerks.

Q. Would 1869 be an average of the work between 1860 and 1870?—A. I should think it would. The warrants were much heavier prior to 1869, and were considerably less subsequent to that time, so far as my knowledge goes. So that it would probably be about a fair average.

Q. If we were coming up to the present time it would make a fair average?—A. Yes, sir.

Q. But taking it between 1860 and 1870, would 1869 be an average of the warrants?—A. No, sir; I think it would take longer to examine the years previous to 1869.

Q. How much longer?—A. Probably a month or two longer, from the fact that during the war the warrants were much heavier than they were subsequently.

Q. In amount which of the statements is the largest, the one your office showed in 1870 or in 1871?—A. For what year?

Q. For all the years.—A. They vary. Sometimes they are larger, sometimes smaller; sometimes they increase, sometimes they decrease. On the average the statement is larger in 1871 than it was in 1869.

Q. How much on an average?—A. Exclusive of those two errors to which I referred before?

Q. No; just as they stand.—A. For an average I should have to make a calculation.

Q. Take 1862, and tell me what is the difference between your reports in 1870 and 1871 as to the public debt in 1862.—A. \$9,965,040.21 increase.

Q. The next year?—A. \$20,978,957.26 increase.

Q. The next year?—A. \$75,093,881.08.

Q. Just follow it on to 1870.—A. The next year there is a decrease of \$1,945,156.79; the next year \$10,189,705.52 decrease; the next year \$14,073,111.25 decrease; the next year \$24,633,113.48 decrease; the next year \$99,449,733.36 increase; the next year \$94,313,828.07 increase. Those two last increases are a clerical error.

Q. Between 1869 and 1871 were the books and warrants in the Register's office carefully re-examined from 1836 to 1870, or not?—A. I do not know of any examination of them.

Q. Were you in the office the whole time?—A. Yes, sir; I do not know to what you have reference.

Q. I had reference to the question I put. Were the books and the warrants in the Register's office re-examined from 1836 to 1870 where those changes appear on the statement you have given us, so as to develop those errors?—A. They were examined by a clerk of our office who was detailed into the Secretary's office. I assisted this clerk, Mr. Ross Fish, who made up the statement, in making it up.

Q. How long was he at it?—A. I should think about a year and a half; from one to two years, certainly.

Q. Did he do it in your office or in the Secretary's office?—A. He did it in the Secretary's office, but from the books of the Register's office.

Q. Were the warrants compared with the books?—A. No, sir; he did not compare any warrants with the books unless he had an idea that there was some erroneous entry made, and then he would hunt up the warrant and compare it with the books.

Q. Did you prepare that statement for the committee in the Register's office (handing to witness statement marked "Statement No. 2," being a "statement of the receipts, expenditures, and outstanding principal of the public debt, interest, and premium paid from 1860 to 1877, inclusive, compiled from the books in the Register's office"?—A. Yes, sir; I believe I prepared that with my own hands.

Q. Do the amounts given in that statement, as the principal of the public debt, commencing with 1859 and ending with 1870, agree with the amounts in the report of 1870, as reported from your office?—A. I think not. I think they do not agree till the report of 1871.

Q. Do they agree with any report made from your office previous to 1870?—A. No, sir.

Q. Do they agree with the reports made since 1871?—A. I believe they do.

Q. Do these agree with the table referred to by the Secretary in the letter to the Register directing him to change his statement?—A. Yes; I believe they do.

Q. I see in a column headed "Amounts to be added to receipts," marked "b," \$2,019,776.10; and another one marked "c," \$1,000,000.00; and then one marked "d," \$3,274,051.69, making a total of \$6,293,827.79, which you say is "to be added to receipts." What is meant by that?—A. That is in accordance with the Secretary's Report of 1871. Those amounts do not appear upon our books. They are added in accordance with the Secretary's order, in order to harmonize the two, as is shown in the Report of 1871.

Q. I understand that these three items amounting to between six and seven million dollars do not appear upon your books?—A. They do not.

Q. But are added here by order of the Secretary?—A. So I understand.

Q. How did you state the debt for 1870 and previously?—A. I did not state it myself, but it was stated by the issues and redemptions.

Q. How has it been stated since?—A. It has been stated since by receipts and expenditures, and the table has been revised in accordance.

Q. In the revision you speak of, you changed the amounts as they had previously been reported from your office, commencing with 1833?—A. Yes, sir.

By Mr. ALLISON:

Q. Do I understand that you have charge of the books in the Register's office showing the receipts and expenditures of the government?—A. No, sir; I compile from the books the receipts and expenditures.

Q. It is a part of your duty, then, to make up a tabulated statement annually of the receipts and expenditures from the books of the Register?—A. Yes, sir.

Q. How long have you been engaged in that work?—A. About ten or twelve years, as near as I can recollect.

Q. Were you engaged in that work in 1869 or 1870?—A. Yes, sir.

Q. I understood you to say in answer to Senator Davis that there were clerical errors in the statements of 1869 and 1870. Will you now state the nature of those errors and the extent of them, as nearly as you can?—A. The public debt in the statements for 1869 and 1870 was stated by the head of the division, who had no practical experience in the business, and he was told by Mr. Saville that he must make it agree with the public-debt statement of the Secretary. Instead of making it up from the books of the Register's office he sent up-stairs and got the public-debt statement for the last month of that year from the Secretary's office. In this public-debt statement, as you are aware I presume, there is a column "principal of the public debt"; there is then a column of interest, which added is carried out, making so much. Then there is a column of "cash in the Treasury" which is deducted, leaving a net total of so much. Instead of taking the figures of the principal of the public debt, he took the figures below, which gave the present debt plus the interest and minus the cash in the Treasury, making one hundred million

dollars difference from what the real state of the public debt was. He took that for the two years 1869 and 1870, as you can readily see by referring to the public-debt statements of those two years.

Q. That accounts for the errors there?—A. Yes, sir.

Q. I understood you also to state that you regard the statement of differences on the exhibit marked "F" as correct during the different years?—A. Yes, sir.

Q. But that you do not adopt the footings of that statement. What is the difficulty with the footings as you understand?—A. It is this: We will suppose that there was \$100 discrepancy for the first year, and \$100 the second, and \$100 the third, and \$100 the fourth, and so on for a series of years, it would still at the last be only \$100 discrepancy, whereas if you add them up it would be as many hundreds as there were years.

Q. It would not do to add them up?—A. That would not be correct.

Q. You stated in answer to Senator Davis that it would take two clerks in your office three or four months to make an examination of receipts and expenditures for the year 1869?—A. That is in my opinion.

Q. Do you mean to say that such examination would involve the separate examination of each particular warrant as well as of each entry on the books of that year?—A. Yes, sir. It is a subject of calculation that any one can make for himself. There are thirty thousand warrants, and it depends entirely upon the rapidity with which the men work when they get through with it. There are thirty thousand warrants, a great number of which have a great many entries upon them, each requiring you to turn to a different page of the ledger to verify it.

Q. In making up the public-debt statement from the receipts and expenditures account, and then making up the same statement from the issues and redemptions account, finding differences between the two, would it be necessary to examine all the warrants and all the entries for a given year, in order to account for discrepancies or differences that might exist?—A. No, sir; it would only be necessary to examine those warrants which have relation to the public debt.

Q. How much time would such examination require for a given year—say 1869—in your office?—A. It probably would not take over about a month's time; but then I do not see what you could arrive at, for they are statements entirely different; one is a statement of the issues of a loan, and the other is a statement of the actual receipts from that loan, and they have no relation to each other. For instance, if you issue one hundred notes, and charge yourself as owing that amount as soon as you issue them, I think it would be an incorrect statement of your indebtedness. You do not owe anything until those notes have passed into other hands and you have received the money for them. The old statement was a statement of all the obligations which the United States issued. The present statement is the amount of money actually received by the United States, which I think is the true statement.

Q. Then you regard the present mode of statement as an improvement upon the old mode?—A. I do, and very materially so, and I think any business man would coincide in that view.

Q. It shows the true condition of the public debt?—A. Exactly, with the exception that I do not know about the classification of it; it may be wrongly classified, but the *modus* I consider far superior.

Q. I understood you to say that a clerk was detailed from the Register's office to make an examination of these differences as stated from the two accounts—Mr. Ross Fish?—A. Yes, sir.

Q. Do you understand that he made a thorough examination from the

books of the Register's office in order to ascertain these differences?—A. I believe he did.

Q. Is he still an employé in the Treasury?—A. He is not.

Q. Where is he now?—A. I do not know; he is about the city somewhere. I think he is in the employ of the board of public works.

Q. Who assisted him?—A. I assisted him somewhat, and Mr. Bailey, of the Secretary's office, assisted him also. I was detailed for some three or four months. He wanted me, and I was detailed there until I wanted to go back to my own work.

Q. State the character of the work during the time you were employed upon it, as to its range and efficiency.—A. It was made up from the receipts and expenditures; these published books, classified from them.

Q. The receipts and expenditures as shown by the books of the Register's office?—A. Yes, sir; and the best evidence of their correctness is a statement which I have furnished this committee, where the receipts and expenditures of the government, from the commencement up to the present time, are given, year by year, together with the balance in the Treasury each year, arriving at the time I bring it up to, 1876, bringing to a very cent the balance in the hands of the Treasurer, as is acknowledged by the Treasurer in his report, and also giving the exact amount of the balances of appropriations, as we have them in our books to-day.

Q. In a statement made up by you for this committee, and now appended to your testimony, marked "Statement No. 2,"\* you have a column "Amounts added to receipts" which you say do not appear upon the books of the Register. Will you explain the nature of those amounts and why they do not appear on the books of the Register?—A. The first amount is discount on bonds of February 8, 1861. It was not charged to the loan, awaiting proper action of Congress to make the proper entry. The next is a million dollars which should be charged to the Navy pension fund and credited to the Navy pension fund 3 per cent

\* The statement referred to is as follows:

STATEMENT No. 2.—*Statement of the receipts, expenditures, and outstanding principal of the public debt, interest and premium paid, from 1860 to 1877, inclusive, compiled from the books in the Register's office.*

Year.	Received from loans during year.	Paid on account loans during the year.	Amounts to be added to receipts.	Principal of debt at close of year.
1859.....	<i>a</i> \$58,496,837 88			\$58,496,837 88
1860.....	20,770,800 00	\$14,431,350 00		64,842,287 88
1861.....	41,861,709 74	18,142,900 00	\$2,019,776 10	90,540,873 72
1862.....	529,692,460 50	96,096,922 09		524,176,412 13
1863.....	776,682,361 57	181,086,635 07		1,119,772,138 63
1864.....	1,128,834,245 97	432,822,014 63		1,815,784,370 57
1865.....	1,472,224,740 85	607,361,241 68		2,680,647,869 74
1866.....	712,851,553 05	620,263,249 10		2,773,236,173 69
1867.....	640,426,910 29	735,536,980 11		2,678,126,103 87
1868.....	625,111,433 20	692,549,665 88	c1,000,000 00	2,611,687,851 19
1869.....	238,678,081 06*	261,913,718 31		2,588,452,213 94
1870.....	285,474,496 00	393,254,282 13		2,480,672,427 81
1871.....	268,810,131 49	399,545,278 67	d3,274,051 69	2,453,211,352 32
1872.....	305,047,054 00	405,007,307 54		2,233,251,078 78
1873.....	214,931,017 00	233,609,332 58		2,234,482,743 20
1874.....	439,272,535 46	422,065,060 23		2,251,690,218 43
1875.....	387,971,556 00	407,377,492 48		2,232,284,281 95
1876.....	397,455,808 00	449,345,272 80		2,180,394,817 15
1877.....	348,871,749 00	323,905,424 05		2,205,301,142 10
Total.....	8,893,471,481 06	6,694,404,166 75	6,293,827 79	2,205,301,142 10

*a* Outstanding debt July 1, 1850.

*b* Discount on bonds, act February 8, 1861.

*c* Navy-pension fund.

*d* Difference (see Finance Report, 1871, p. 11).

certificates. The next amount is the difference between the loan account, as shown by receipts and expenditures, and the public debt statement from 1837 to 1871, awaiting proper action of Congress before correcting the differences, which are all in the receipts and expenditures.

Q. Did you examine these different accounts at the time?—A. No, sir; I did not. Those are the results of the labors of Mr. Fish.

Q. And you took them as correct?—A. I was ordered to put them in, and in order to put them in I had to make a separate column, to show that these did not appear from the books, but were put there by order of the Secretary to make the two harmonize.

Q. Now state why, in the nature of things, these items would not appear on the books of the Register.—A. They do appear upon the books, but not as classified in the public-debt statement. They all appear on the books, but not as classified in the public-debt statement. It does not change the total of the expenditures or receipts of the government one cent. It merely changes the method of classification.

Q. Then these items do appear in another place on the books, but not in connection with the public debt?—A. Yes, sir.

Q. Are those books showing the receipts and expenditures examined by you from day to day, and have they been during the time you have been in the office; you see them every day?—A. I have to handle them nearly every day, more or less.

Q. Have there been changes in any entries in those books with a view to make up any of these statements with reference to the public debt?—A. None that I am aware of.

Q. No alterations in the books for that purpose?—A. No, sir; not unless it has been done from a warrant or a counter-warrant. Of course, if the Secretary should issue a warrant, and that warrant should change the statement *pro* or *con*, I cannot state his authority for issuing the warrant.

Q. And you change the books accordingly?—A. According to his warrants; not with any scratching. It would be simply to credit one and debit another.

Q. I think you have stated fully that those changes occurring in the public-debt statement during the years 1870 and 1871, as appears from the tabulated statements of the Register and the Secretary, arose from the different methods adopted in stating, and from no other cause or reason?—A. That is all; different methods of statement. One method

STATEMENT No. 2.—Statement of receipts, &amp;c.—Continued.

Year.	Net increase.	Net decrease.	Interest paid.	Premiums paid.
1859.....	\$58,496,837 88			
1860.....	6,345,450 00		\$3,177,314 62	
1861.....	25,738,585 84		4,000,173 76	
1862.....	433,595,538 41		13,190,324 45	
1863.....	505,395,726 50		24,729,846 61	
1864.....	696,012,231 94		53,685,421 69	
1865.....	864,863,499 17		77,397,712 00	
1866.....	92,588,303 95		133,067,741 09	\$58,476 51
1867.....		\$95,110,069 82	143,781,591 91	10,813,349 38
1868.....		66,438,252 68	140,424,045 71	7,001,151 04
1869.....		23,285,637 25	130,694,242 80	1,674,680 05
1870.....		107,779,786 13	129,235,498 00	15,996,555 60
1871.....		127,461,095 49	125,576,505 93	9,016,794 74
1872.....		99,990,253 54	117,357,839 72	6,958,266 76
1873.....		18,768,335 58	104,750,668 44	5,105,919 99
1874.....	17,207,475 23		107,119,815 21	1,396,073 55
1875.....		19,405,936 48	103,093,544 57	
1876.....		51,889,464 80	100,243,271 23	
1877.....	24,906,324 95		97,124,511 58	
Total .....	2,815,349,973 87	610,048,831 77	1,608,650,149 92	58,020,267 62



was of stating it by issues and redemptions, and the other a different method of classification.

Q. And you regard the latter method as the best method of stating the debt?—A. The method that now obtains; I do.

By Mr. BECK:

Q. Your large experience in the office of the Register enables you to speak pretty fully of the duties of that office, and therefore I want you now, as briefly as you can, to tell us what you understand by the first subdivision of section 313 of the Revised Statutes, which provides that "it shall be the duty of the Register to keep the accounts of the receipts and expenditures of public money, and of all debts due to or from the United States."—A. That the Register's office shall be the bookkeepers of the government, to put it as condensed as possible.

Q. And every dollar that comes into the Treasury and every dollar that goes out of the Treasury must appear on the books of the Register?—A. Yes, sir.

Q. And his annual published reports import absolute verity as to those facts?—A. They are supposed to do so.

Q. That is the object of them?—A. Yes, sir.

Q. He has, from the beginning of the government, or from a very early period of it, made these annual reports to Congress and the country, has he not?—A. Yes, sir.

Q. And up to 1870 the annual report so furnished was all that the country had to rely upon as to the truth of the condition of the Treasury?—A. Yes, sir.

Q. Now you say that in 1871 it was ascertained that all those statements had been false from the beginning of the government?—A. No, sir.

Q. What do you propose to tell us?—A. Not that they were false, but that they were not stated correctly; that they were not stated on a correct basis as far as the public debt was concerned. They stated the amount that the government proposed to owe, but not the amount it did actually owe; the difference was that it stated the amount the government proposed to owe from year to year, and not what it did actually owe.

Q. Would, or not, each year then correct the other?—A. It might, and it did in a great measure correct the other, year by year, provided all the loans were negotiated.

Q. So that what failed to appear in one year by reason of the issue not having been negotiated, would appear in the next when it was?—A. Unless the loan was canceled or not wholly negotiated.

Q. And if it had been either canceled or not wholly negotiated, was it not the duty of the Register in the succeeding year, from that fact appearing, to so alter his statement as to make that appear?—A. He ought to do it, of course.

Q. The Secretary ascertained, or the Register and the Secretary together ascertained, in 1871, that from 1833 there had been wrong statements made to the public annually by the Register as to the truth of the debt?—A. I do not know that you can say it was wrong. For instance, on a certain basis you may say you owe a certain amount of money, and on another basis you may say you owe a different amount of money, and still both would be correct. For instance, you may say, "I owe \$100,000," which might be correct. You may say then that I owe \$100,000, but I have \$50,000 coming to me, and consequently I only owe \$50,000. There would be a difference of \$50,000, and yet both

statements would be correct. It depends entirely on the basis of your statement.

Q. You state this, however, that in 1871, and from that time on, the statement now goes forth to the country that each statement made by the Register from the time he began to make statements up to 1870 was made upon a false basis?—A. According to my opinion, they were.

Q. That is now the statement made to the country each year?—A. Yes, sir.

Q. Is it not true that you have for the years embracing 1869 and 1870, and back of them, in the last eight or nine years, repudiated all the former statements by the Register as to the state of his accounts?—A. Yes, sir; if you call it that, and according to my opinion very correctly.

Q. You have statement "F" before you. Turn to the year 1864 in the statement where the Register from the year 1864 up to 1870 stated that the public debt was \$1,740,690,489.49, while in 1871 he stated that the public debt for that year was \$1,815,784,370.57, making an increase of \$75,093,881.08. How did he in 1871 make that change, and upon what data?—A. He did not make it from any data given here at all; he went back to 1835. He says the debt in 1835 was so much; he then goes to the books and says we received during 1836 so much money, we expended so much, we spent so much money on account of redemptions, making our debt so much for 1836, and so much for 1837, and so much for 1838, and so much for 1839, up to this point when he brings it to \$1,815,784,370.57, without any regard to the preceding statements whatsoever. It is by a series of revisions of the receipts and expenditures, the actual receipts and the actual expenditures of each year from this point up to that, together with a little change in classification, which has been explained to you.

Q. Then, in order to get that result, and to upset all previous statements and to make a new statement which increased the public debt that year over seventy-five million dollars, was he not compelled to examine each warrant that had been issued during all those years in order to see where those mistakes were made; or, if not, how did he do it?—A. No; because the previous statement was not made from warrants at all; it was made from the records of the loan division, made from the issues. Therefore, you could not expect it would harmonize with the warrants. One is the actual issue of the bonds, and the other is the warrants.

Q. I understand that. Now, he had to ascertain the difference between the issues?—A. Not as I understand it.

Q. Explain what you mean.—A. He did not want to examine the debt statement. He threw that old statement over as an incorrect statement and proposed to make a correct statement. He proposed to make a correct statement by taking the debt as fixed at a certain amount in 1835, and then taking the actual cash received into the Treasury on account of loans and deducting the actual cash paid for the redemption of loans, and to make a series of the public debt just exactly in accordance with the actual amount of cash received and cash paid out on account of redemptions, and make a true statement without any regard whatsoever to the other statement.

Q. What I desire to know is, would or not he be compelled in order to make up that statement to look to see the correctness and the accuracy of each warrant that had been issued either covering money into the Treasury or paying it out?—A. He would if he had the slightest doubt of the correctness of them.

Q. But, unless he did that, could he know that he was making a truthful statement in making this?—A. He could know it as well as in making any statement. The books are so kept that it is almost impossible to have a mistake. If he examined ever so much he could not be absolutely certain, because human nature is fallible with all the examination that is possible.

Q. Must not every dollar that is covered into the Treasury be covered in by a covering warrant?—A. Yes, sir.

Q. And every dollar drawn out, drawn out by a warrant?—A. Yes.

Q. Unless, therefore, in making up a new statement and discarding the old books he looked at each warrant covering money in and every warrant paying money out, had he any way of knowing whether the new statement was correct or not?—A. He had no way of knowing, except that it has been proved each year that these statements were correct. Each year it is proved.

Q. It is proved that the former statements have been false?—A. The former statements were made out on altogether a different basis. They were not made up on the same basis. He does not make up a statement on the same basis that he did before and find discrepancies, but he makes it up from a different basis.

Q. When he makes it up from that different basis and finds that it differs in the year 1874 over \$75,000,000, would he not have to look at the warrants that covered money in and the warrants that paid it out to see that that difference of \$75,000,000 was correct?—A. He might have to do it; but I do not see that if he looked ever so much he could ever find it. It would be an impossibility to find it, because that goes by a series of years, and he would have to look away back to the beginning of the government.

Q. Then, do I understand you to say that all the Secretary did was to take what appeared on the books, without any examination of the warrants, to be the true receipts and expenditures, assuming them to be correct, and that they worked out this change?—A. Yes, sir. He assumed them to be correct.

Q. As found in the printed reports of the receipts and expenditures?—A. I do not know that he did that; but he assumed them as correct, as found on the books of the Treasury.

Q. And it was the books of the Treasury that accounted for receipts and expenditures that he took as the basis, instead of the books of issues and redemptions?—A. Yes, sir. That is the point in a nutshell.

Q. Explain again to the committee the effect that will or may be produced, and the difference that may result from stating the account, first, by issues and redemptions, and secondly, by receipts and expenditures, confining yourself to the public debt.—A. It may be different, from the fact that bonds may be issued for a very large amount of money during one fiscal year, and the money may not actually be received into the Treasury until a series of fiscal years subsequent. Therefore, if you take the issues and redemptions, you will have during the first year a debt of the amount of that loan; if you take the receipts and expenditures, you will have nothing for that year, but in the series of subsequent years you will have a debt in proportion to the amount of the loan negotiated.

Q. Have you any account kept of discounts and premiums?—A. Yes, sir; we keep an account of discounts and premiums.

Q. Where and in what form does that get into the public-debt statement?—A. It does not go into the public-debt statement. It goes as premium or as interest or as discount. Premiums and discounts are generally classified together.

Q. In what form do you keep an account for losses, under the head of unavailables or otherwise?—A. We only get those amounts from the Treasurer's report after his accounts are audited and allowed by the Comptroller.

Q. Where do you keep that?—A. We keep that in the Treasurer's accounts of receipts and expenditures.

Q. Do you mark it "unavailable," or do you charge it to "profit and loss"?—A. No, sir; we either debit or credit the Treasurer with the amount, according as it is received or debited from him.

Q. And what form of warrant is used for that, as everything has to be done by warrant, either covering in or paying out. How do you charge it when a defaulter causes loss?—A. I really cannot answer that question. I do not know how it is done. I merely know that the Treasurer renders his account in which he states that he has lost a certain amount of money deposited with some depository; he makes his statement and the Comptroller examines it, and if he thinks it is correct he allows it. If he so allows it, it is passed to the credit of the Treasurer. I do not think any warrant is issued on that at all, it is just passed to his credit. I cannot state positively, though, but I do not think any warrant is issued for it.

Q. You have just said, and I have believed it to be the rule, that whenever anything is once covered into the Treasury by a covering warrant it has to be disposed of by another warrant?—A. Yes. I cannot say positively whether a warrant is issued for it or not. My attention has not been called to that matter particularly.

Q. When did the Secretary first begin making up his public-debt statement, do you remember?—A. I think it was in the year 1870.

Q. Up to that time nothing had ever come from the Secretary's office; I believe he had no organized bureau required by law to do that work?—A. No, sir.

Q. The Register alone did it?—A. Yes, sir.

Q. When the Secretary made up his books in 1870, from what data did he make them up, what books outside the Register's books had he to make them up?—A. He had his own books. He keeps the same series of books that the Register does of the appropriations.

Q. Had he always done so?—A. Yes, sir; as to the appropriation books.

Q. And when Mr. Saville and those gentlemen in the Secretary's office had made up the statement according to what they regarded as the true mode of bookkeeping, was it made up from their own books, or made up from their books and your books combined, or do you know how it was made up?—A. I think it was made up from our books.

Q. Was it made up subsequent to the time when you and this other gentleman you have spoken of had been detailed to do that work?—A. That was a portion of it when I was detailed with him, and it was finished subsequent to that period. I was only detailed to assist him for two or three months.

Q. After that work was all done, and they had come to the conclusion that the present mode of stating it was the true one, then the order came from the Secretary to make them conform?—A. Yes, sir.

Q. And then it was that Mr. Register Allison objected to making any change in the statements for past years, while he was willing to conform in future?—A. He did not object because he thought it was a bad statement, but he objected on the ground that he did not think they ought to disturb old statements.

Q. Had the Secretary any power by law, that you are aware of, to

require the Register to make any changes in statements as to the past events?—A. No, sir; I do not think he had.

Q. He had a right to prescribe rules as to modes of statement for the future under his general power as Secretary?—A. I suppose that would come under his general power; he could make him make statements subsequently.

Q. The Register being the official bookkeeper, all his statements had to conform to the truth as his books showed, I suppose, under the law, all the time.—A. Yes, sir; but that would be no objection to making a change in the statement, for it would still accord with the books; it would depend upon what series of books you took.

Q. The \$6,293,827.79 of which you have spoken as contained in Statement No. 2, does not appear upon your books?—A. The items composing it do not appear as part of the public debt on our books.

Q. In what form, for example, does this *d* 3,274,051.69 in 1871 appear?—A. That does not appear in any one single item; it is the differences between the loan account as shown by receipts and expenditures and the public debt-statement. For instance, a portion of it would be charged to one loan and a portion of it to another, making a series of differences.

Q. What are those differences?—A. The difference between the issues and redemptions and the receipts and expenditures on account of the different loans.

Q. But in 1871 you were making up your statement from receipts and expenditures.—A. Yes, sir. I did not put that item in that column in the Statement No. 2. I put it in a separate column by itself, as not being on our books.

Q. And you mean to say that this \$3,274,051.69 was a series of differences that had appeared in former years prior to 1871?—A. Yes, sir. It is a balance, if you may so call it, of the differences; so I understand.

Q. Have you furnished this committee, or can you furnish us, a statement showing in detail what this item of \$3,274,051.69 is composed of?—A. No, sir; I cannot.

Q. Why not, if it is on the books?—A. It appears on our books because the totals agree, but I cannot tell you what it is made up of.

Q. Could you, without much trouble, furnish us with the items making up that \$3,274,051.69?—A. I could not. I presume Major Power could; I think he has it made up.

Q. Why cannot you?—A. Because I would require to go over the same ground Major Power has gone over, which has taken him some year or two. He has been analyzing the different loans from one year to another and has made up the amount to show what composed it.

Q. Then you do not know whether this is a true statement or not?—A. As far as those notes go, I do not.

Q. You believed that it was true because it was furnished you from the Secretary's office?—A. I have no belief on the subject. I was ordered to put it in, and I so put it in.

Q. Did you put in under the year 1861 \$2,019,776.10 upon the same order, without any knowledge of its truth?—A. Yes, sir; without knowing whether it was true or not. It is merely a question whether that amount shall be classified as public debt or not; but I had nothing to do with it. It does not take a dollar out of the Treasury or put one in. It is merely whether you shall say the government owes that much more or not; but I had nothing to do with that; I only had to do as I was ordered.

Q. But the sums making it up are either true or false, and I did not

know but that your books would show upon what data it was inserted?—A. They could not show that, because it is through a series of years.

Q. But suppose a million of dollars is issued?—A. That can be shown.

Q. And the government receives only \$900,000, making \$100,000 difference; ought not that to appear somewhere?—A. Yes, sir; that would show.

Q. And it is items like this that make up this sum, is it not?—A. No, sir; it is the difference between the loan accounts as shown by the receipts and expenditures and the public-debt statement from 1833 to 1871.

Q. What do you understand by that?—A. I understand that it is the difference between the statement as made up in 1869 and that in 1871, and it is made up of a series of changes; for instance, the Texan indemnity debt was included as a loan or disallowed as a loan; and another thing was included, bounty-land tax was included or disallowed, &c.; the difference of classification making a portion of the difference, also a difference between the issues and redemptions and the receipts and expenditures.

Q. But those items of which you speak are so much larger than the aggregate of this that it is not likely that any of them entered into these differences?—A. I do not know. Those items would be large one year and the next year they would neutralize themselves. In 1864, for instance, there are \$75,000,000 difference, and the next year there is only one million and it is the other way, so that \$75,000,000 had all been used up and one million more in the next year.

By Mr. ALLISON:

Q. So that the difference between the two years was seventy-six million, as made up from different data?—A. Yes, sir; one year balances the other, and leaves a little bit on the other side.

Q. How long have the accounts of receipts and expenditures been kept in the Register's office?—A. Always; from the beginning of the government.

Q. And always an account of issues and redemptions, those being two separate accounts?—A. I cannot say that the issues and redemptions have been kept there separate. I do not know how that is. I know that all the issues and all the redemptions have not been kept there.

Q. I find, for example, in 1862 a difference of \$9,000,000 between the two statements, one being made up from the books of issues and redemptions and the other being made up from receipts and expenditures. Now, if in 1862 the Register had been directed by the Secretary of the Treasury to make up the public-debt statement from the set of books known as receipts and expenditures account instead of the books known as issues and redemptions account, would not the statement then have appeared as it appears in the report of 1871 by the Finance Report?—A. It would exactly, with the exception of probably a little difference in classification. If he had so classified it as it was classified in the 1871 report, it would appear exactly so; but of course different persons classify statements differently.

Q. Senator Beck inquired if there was any law authorizing the Register to go back and make up statements for prior years differently from the published statements. Having all the data there for both statements, what possible objection in your mind can there be to making up the debt statement from receipts and expenditures running back to the period of 1835?—A. I think it is always allowable to correct an error

if it is known to be an error; and if a person supposes things to be erroneous, I think it is allowable to have them corrected.

Q. And although the Register of the Treasury thought it unwise or perhaps inexpedient to go back to those different years, he did not object to it, because in going back there would be an erroneous statement made?—A. No, sir. My understanding was that he objected to it on account of its inexpediency.

Q. In answer to Senator Beck you spoke of the separate items alluded to in Statement No. 2 as “added to receipts,” and you said that you took those items and inserted them because you were directed so to do?—A. Yes, sir.

Q. Do you know who made up those items?—A. I presume it was Mr. Ross A. Fish.

Q. I understood you to say that Mr. Power knew something about them?—A. He has subsequently analyzed them in order to find out what they consisted of. I think Mr. Power can explain the whole reason of them.

Q. It would take a long time to analyze them?—A. Yes, sir.

Q. You have not done so?—A. I have not, but I understand Mr. Power has taken the necessary time.

By the CHAIRMAN:

Q. I understood you to say that the items amounting to between six and seven million dollars in Statement No. 2 were not on your books in the public-debt statement in any form?—A. Not so classified as public debt.

Q. I understood Senator Allison to ask you whether if your office had made up any statement of the public debt it would have been the same as you put it in 1871 under the direction of the Secretary, and I understood you to say it would?—A. If it was made up from the receipts and expenditures; that is, barring the difference of classification.

Q. If this \$6,293,827.79 was not upon your books, but was upon the statement in the Secretary's office, could you have made the same statement as was made by the Secretary?—A. I could not make it without adding those in.

Q. But they are not on your books in the debt statement.—A. They do not appear upon the books in gross, and they only can be arrived at by an analysis of our books, which Major Power has made.

Q. Do I understand that you could or could not have made the exact same statement in your office as that one sent from the Secretary's office, and which appears in your report of 1871?—A. It is from our office. That analysis was made by Major Power as chief clerk of our office, and it does belong to the Register's office.

Q. I am not asking about the analysis, but about the debt statement as it appears. Let me make myself plain: I have understood you to state to the committee more than once that these items do not appear upon your books in any public-debt statement?—A. We have no public debt statement on our books. We do not make a statement on our books of the public debt. We merely state the debt from year to year, but we do not make any continuous statement of the public debt on our books.

Q. When you made up the statement in 1870 and sent it to Congress, that the debt was in round numbers \$2,480,000,000, was not that from your books?—A. We take the public debt of the year preceding; we then take an account of all the receipts on account of the different loans, amounting to a sum total of so much, which we add to that; we then take all the disbursements for the redemption of the public debt, which we deduct from it, and then state the public debt as the difference be-

tween the public debt of the preceding year plus the receipts and minus the redemptions. We make the calculation of that, and put that on the statement; but it does not appear on the books. That is a clerical calculation made from the books.

By Mr. ALLISON:

Q. Made in the human brain?—A. Yes, sir.

By the CHAIRMAN:

Q. The statement you furnish us from the books as Statement No. 2 tells us that the public debt in 1870 was \$2,480,672,427.81. Did you not take that from the books?—A. Yes, sir.

Q. I understood you to say a moment ago that the public-debt statement, as a statement, was not upon your books.—A. That is, the tabulated statement is not upon our books. We have to assume the public debt in 1859, for instance, to be so much, and then we have to add on and deduct, year by year, in order to arrive at what it should be at the expiration of that time.

Q. Now, do I understand that the public debt as stated to us is from the books or not?—A. It is a synopsis of the books, with the exception of those notes, *a*, *b*, *c*, and *d*, on Statement No. 2.

Q. With the exception of the \$6,293,827.79 not on your books as public debt?—A. Yes, sir.

Q. Will you state briefly the difference between making a statement from receipts and expenditures and one from issues and redemptions?—A. The difference between them is that one is a statement of a loan issued but not negotiated, and the other of a loan which has not only been issued but has been negotiated.

Q. In making a public-debt statement from receipts and expenditures do you take into consideration the moneys received and paid for all expenditures of the government?—A. No, sir; only those on account of the loans and bonds.

Q. How many months are there between the end of your fiscal year and the time you make your statement to Congress as to the public debt?—A. We generally make our statement to Congress of the public debt in the Finance Report, which is sent in at the assembling of Congress; that is, five months after the close of the fiscal year.

Q. You have from the end of the fiscal year to the assembling of Congress, five months, to make up the statement and see that it is correct?—A. Yes, sir; and also to close up our year. The fiscal year does not practically close for a month or two.

Q. You stated to Senator Allison that Mr. Saville, chief clerk of the department, told a clerk in your office that he must make the debt statement accord with the statement from the Secretary's office?—A. The head of the division it was.

Q. And the man who did the work went up into the Secretary's office and got the figures there, and made your statement up from that?—A. I cannot say positively that he did that. All I can say is that his figures corresponded with the figures of the public-debt statement to a cent, after adding interest and deducting the cash in the Treasury.

Q. You have your statement and the Secretary's for the years you named, 1869 and 1870, which you were afterwards directed to change; are they not as the Register reported them to Congress exactly as the monthly-debt statements were?—A. No, sir; they are not; they are as the public-debt statements state the debt after adding interest and deducting the cash on hand.

Q. Then I understand that the Secretary's statement of 1870 and yours



of 1870, when compared with the monthly-debt statements, do not agree?—A. I do not know about the Secretary's; ours does not agree with them because the wrong series of figures was taken. There is the amount outstanding [pointing to the column], and instead of taking that the clerk took another column, showing the net amount due.

Q. Will you look and see if they are not exactly the same?—A. They agree in part, but do not agree with the amount outstanding.

Q. Then they do agree with the statement made in your office after adding the interest and deducting the cash in the Treasury?—A. Yes, sir; and that was where the mistake occurred.

By Mr. ALLISON:

Q. Did not the clerk who made up the statement for those two years state the amount of the debt from the monthly statements?—A. I can say that the amount which he did put down entirely harmonized with the monthly public-debt statements plus the interest and minus the cash in the Treasury for those two years.

By the CHAIRMAN:

Q. You stated that if you put \$100 at the column of discrepancies for each year, and added them all up it would make so many hundreds difference as you put down. Suppose one year there was an increase and another a decrease, and it kept even that way all through, would it come out even or not?—A. It would.

Q. Now, tell me whether there are not increases and decreases from 1833 down, sometimes larger and sometimes smaller?—A. Yes, sir; there are.

Q. Then it would not be counted over and over every time that it was put down? For instance, the \$665.95 which appears in 1833 disappears in 1835, and leaves a credit of \$313,776.00. Is not that so?—A. Yes, sir.

Q. Then the \$665.95 would not be counted as you illustrated to Mr. Allison, because it had disappeared and there was a credit on the other side; and if you added the credit would it not come out in the end the same?—A. I do not think it would.

Q. If that was so on the increase side, how would it be on the decrease side? It would work the same way, would it not?—A. If there was exactly the same amount of decrease and increase, and exactly the same number of years, it would amount to the same thing; but where you have discordant amounts which change, it will not give any correct amount, because each year's statement is a balance.

Q. There are increases and decreases from 1833 up to 1870, are there not?—A. Yes, sir.

Q. Are there erasures or alterations upon any of the books of the Register's office to your knowledge?—A. There are none except to correct a clerical error, to my knowledge.

Q. Are there many of those?—A. No, sir; not a great many. Of course they will occur. For instance, a clerk charges an amount to a wrong appropriation; he finds out subsequently that he has so charged it, and he has to erase it from the appropriation that he has charged it to, and charge it to the correct one.

Q. How long is that generally done after the entry is made?—A. It is generally not discovered until the close of the quarter, when in comparing with the other books he finds that he does not agree with the other offices, in comparison with the Secretary's office and the Comptroller's office, and then they examine their books to see who has made the error, and when found it is corrected on whosoever book it is.

Q. Do you keep a blotter or day-book and ledger also of the public debt?—A. I do not think there is any blotter. I think there is a day-book kept, and also a ledger.

Q. Do you “post,” as we term it generally, from the day-book to the ledger?—A. Yes, sir.

Q. How often?—A. They generally post every day. That, of course, depends on the clerk. He sometimes gets behindhand.

Q. You speak of comparing with the Secretary and Comptroller. Ought the books of the Register, Treasurer, and Comptroller to tell exactly the same thing?—A. The books of the Secretary, Comptroller, and Register must tell exactly the same thing; I mean the appropriation ledgers.

Q. I ask as to warrants paid on account of the public debt?—A. Yes, sir.

Q. Ought not the Treasurer’s books to agree with yours?—A. The Treasurer would agree with us provided the warrants were all paid. He differs from us in the amount of outstanding warrants.

Q. Do you credit the Treasurer with a warrant before he pays it?—A. I do not know that we credit the Treasurer; we credit the appropriation.

Q. Can the Treasurer get credit in your office for a warrant that has been issued before it is paid?—A. No, sir; I do not think personally he can get any credit.

Q. After the Treasurer pays a warrant or a draft, it goes to your office, does it not, for final registry and credit to the Treasurer, and you are the final custodian?—A. Yes, sir.

Q. All warrants or drafts, of whatever form they may be put in, finally come to your office, and there they remain?—A. Yes, sir.

Q. Is your office what is known as the official bookkeeper of the government?—A. Yes, sir.

Q. And every warrant that has been paid from the beginning of the government down to the present day ought to be found in your office?—A. It ought to be, except where we have had fires that have destroyed them.

Q. Which of the two tables in the Finance Report of 1870, the one furnished by the Secretary or the one furnished by the Register, is the largest upon the average as to the amount of the public debt?—A. The Secretary’s table averages the largest.

By Mr. ALLISON:

Q. Do not the items of 1869 and 1870, showing an increase of nearly two hundred million dollars in the Secretary’s report, as compared with the Register’s report, constitute the principal element in that average?—A. They do.



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## PART II.

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### TESTIMONY

TAKEN BY

THE COMMITTEE AS RECONSTITUTED AT THE 46<sup>TH</sup> CONGRESS,  
1<sup>ST</sup> SESSION, MARCH, 1879,

CONSISTING OF

SENATORS DAVIS, OF WEST VIRGINIA (CHAIRMAN),  
BECK, WHYTE, INGALLS, AND DAWES,

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## PART II.

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WASHINGTON, *April 3, 1879.*

The CHAIRMAN stated that he had called on the Secretary of the Treasury, who said he had no wish to be present unless the committee desired him specially, and also on the chief clerk, Mr. Upton, who made the same response; and they both said they would consider it a notice that the committee was going to take testimony, and referred it to Major Power.

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WILLIAM WOODVILLE sworn and examined.

By the CHAIRMAN:

Question. What are you engaged at?—Answer. I am clerk to this committee.

Q. Have you made a complete examination in the Congressional Record of the several speeches I made in the Senate, and then compared that carefully with the Finance Reports?—A. I have done so.

Q. [Exhibiting.] Is this the statement you made up? Look it through and see if it is the same.—A. [Examining.] This is the one I made up, and I compared this with the Congressional Record and the Finance Reports to see that it was right.

Q. Did you take all the statements that you found in the Congressional Record that I had made in different speeches in the Senate?—A. Yes, sir.

Q. Are they all embodied in that statement?—A. Yes, sir.

Q. Have you there pointed out all the errors that you found, or differences between my statements in the Senate and the Finance Reports?—A. Yes, sir.

Q. Have you made a summary of them?—A. Yes, sir.

Q. Are you sure that the slight differences you point out there are the only differences between that which is reported in the Record as having been said by myself and the Finance Reports?

Mr. DAWES. Under what authority does the chairman put that question to the witness? In other words, were we appointed to ascertain whether there are any errors in his speeches?

The CHAIRMAN. If you object to it, I do not care anything about it.

Mr. DAWES. It does not seem to me that we were appointed for that purpose. It was to discover errors in the books, not in your speeches. We are to assume your speeches to be correct, I suppose.

The CHAIRMAN. I understood (and the resolution was intended to be as broad as possible) that there was no question relating to the books or to the Finance Reports, or relating to the statements I had made in the Senate upon which the resolution was based, but what was within the scope of our inquiry.

Mr. DAWES. I will read the resolution to see under what part this can come :

*Resolved*, That a committee of five be appointed by the Chair to investigate the finance reports, books, and accounts of the Treasury Department, particularly with reference to differences, discrepancies, and alterations in amounts and figures that have been made in them, if any such there be, especially in the annual statements of the expenditures of the government, revenue collected, and the public debt contained in said reports; and if any such differences, discrepancies, and alterations be found to exist, to report the same and the extent and nature thereof, the years wherein they occur, by what authority made if any, the reasons that induced them, and to report generally such other and further information bearing upon the subject as to them may seem best.

I desire to remark on this resolution that it seems to me it confines our examination to the books and the report, the "differences, discrepancies, and alterations" which exist in the books and nowhere else, and the reasons for them.

The CHAIRMAN. But the latter part of the resolution speaks of reporting generally all information bearing on the subject, and gives us power to take testimony.

Mr. DAWES. The language is: "And to report generally such other and further information bearing upon the subject." What is "the subject"? Alterations in the books.

The CHAIRMAN. My statements in the Senate were on that subject.

Mr. DAWES. Not what anybody has said about the alterations, but on the subject of the alterations themselves.

The CHAIRMAN. The subject of the alterations was the subject of my speeches. My speeches bear on that, and now we are examining those speeches to know whether the statements made by myself in the Senate were correct or incorrect, whether the books bear them out..

Mr. DAWES. I do not understand that the committee was raised on your speeches, but on the books.

The CHAIRMAN. Certainly not on my speeches, but on the books. The object of this testimony is to show whether I stated facts or not. That comes I think under that part of the resolution which authorizes it to report any information on the subject. [To the witness:] I will put this question: Are the figures and conclusions you arrived at in the pamphlet before you taken from the Finance Reports? In other words, are the figures presented by me a true transcript, with the exceptions you made there, of the Finance Reports?

The WITNESS. I examined these different statements, compared them with the different Finance Reports, and found the differences to be as you stated them, with a few errors, some of them typographical and some of them errors in statement.

Q. Are the errors that you found, stated in the pamphlet before you?—A. Yes, sir; the differences between the different Finance Reports as you stated them, I found to be as you stated them.

Q. What do you mean by "the different Finance Reports"?—A. I mean the differences between the Finance Reports as you stated them to exist.

Q. That is, you found the statements in the Finance Reports from the Register and the Secretary of the Treasury to differ as there stated, with the exception of the few errors you have pointed out?—A. Yes, sir.

The CHAIRMAN. Now, I want to offer that in evidence.

Mr. DAWES. Permit me to ask a question first. (To the witness.) Point out differences which you put in evidence, independent of any other statements there are in the pamphlet before you.

The WITNESS. In page 1 there is a difference of \$3,271,970.43.

Q. (By Mr. DAWES.) You find a difference between the two Finance

Reports of how much?—A. Between the Finance Reports of 1869 and 1870, in the tabulated statement, \$3,271,970.43.

Q. You say there is a difference between the statements of the Finance Reports of 1869 and 1870 of the sum which you have given?—A. Yes, sir.

Q. Which is the larger?—A. That of 1870 is the larger.

Q. By the sum which you give?—A. Yes, sir.

Q. State the results in each of those reports. What is the statement in that of 1870?—A. It is the tabulated statement of the Register, page 275.

Q. That statement is how much?—A. The total is \$5,892,189,160.59.

Q. What does that \$5,892,189,160.59 represent?—A. The total expenditures of the government for the years 1861 to 1866, inclusive.

Q. That is, they are stated in the report of 1870 to be that amount—\$5,892,189,160.59?—A. Yes, sir.

Q. That covers six years?—A. Yes, sir.

Q. Does the Finance Report of 1869 state the expenditures for the same years?—A. Yes, sir.

Q. And states them to have been how much?—A. \$5,888,917.190.16.

Q. Making a difference of how much?—A. \$3,271,970.43.

Q. Did you examine to ascertain in what particular items of expenditure that difference arose?—A. I think there was a difference each year.

Q. A difference in the statement in 1869 of each year's expenditures between it and the same statement in 1870?—A. Take the year 1861 in the Finance Report of 1869 and compare the same year in the report of 1870; there is a difference.

Q. Do you know how much?—A. Yes, sir; I know it.

Q. Have you it there?—A. Yes, sir; it is described here.

Q. What is the difference in the statement of expenditures for 1861 in the reports of the two years?—A. Fifty dollars.

Q. What is the difference in the expenditures for 1862, in the two reports?—A. \$5,174,342.17 decrease.

Q. Less in the report of 1870 than in the report of 1869?—A. Yes, sir; and the \$50 of the year previous was an increase.

Q. What is the difference in the two reports of 1869 and 1870 as to the expenditures of 1863 and the succeeding years right along?—A. For the year 1863 the increase in the Finance Report of 1870 over that of 1869 is \$4,019,280.60. For 1864 there is a decrease in the report of 1870 as compared with that of 1869 of \$2,603,541.14. For the year 1865 there is an increase in the report of 1870 over that of 1869 of \$8,759,107.28. For 1866 there is a decrease in the report of 1870 as compared with that of 1869 of \$1,728,584.14, making the total increase \$12,778,437.88, and the decreases \$9,506,467.45. The difference or increase in the Finance Report of 1870 over 1869 is \$3,271,970.43.

Q. As to the reports of the expenditures of 1861, did you look after the \$50 and see where it arose?—A. I did not exactly look after it for the reason you suggest. I looked for the errors; I supposed the Treasury Department would explain them.

Q. You did not look to see in what item or items that \$50 difference arose?—A. That was not my province.

Q. I only ask for the fact; you did not?—A. I did not.

Q. Did you as to the differences between the reports of 1869 and 1870, as to the expenditures of either of the other years, look any further than to find the difference in the figures?—A. I looked generally to see the



differences, but of course I could not trace them like a Treasury clerk could do.

Q. I only wanted to know the fact.—A. I did not examine.

Q. Then you only report here in testimony the difference in the figures without any result of an examination as to how that difference arose ?—

A. Yes, sir.

Q. What is the next discrepancy, if any, that you found ?—A. Taking the War, Navy, Pension, and Indian expenditures, especially from 1860 to 1866, it will be seen that many of the figures have been changed in the Finance Report of 1870.

The CHAIRMAN. Allow me to ask the Senator a question. Do I understand you want to go over all the statements I have made, or only where you find that I was in error ?

Mr. DAWES. I want to ascertain from the witness just what he puts in his testimony here to-day. He puts in his testimony without reference to what you said. He has found that difference in the Finance Reports of two years, so far as we have gone, which he has stated, and now he is taking up another item. I do not understand that he is putting in the chairman's speeches. This is his testimony.

The Chairman suggested that Mr. Dawes was inquiring as to matters of expenditure which had not been yet gone into, and this branch of examination was waived for the present, to be taken up hereafter.

By Mr. DAWES :

Q. What does the tabular statement marked "Y," already in evidence, contain ?—A. It contains a comparison between the Secretary's statement of the outstanding public debt, in the Finance Report of 1870, and the Register's statement, in the Finance Report of 1870, and one compared with the other shows these differences each year, from 1833 down to 1870, inclusive. It contains, also, the Register's statement in the Finance Report of 1871, as compared with the Register's statement in the Finance Report of 1870, and it shows the differences in each year, from 1833 to 1870, inclusive.

Q. Was this table made out by you ?—A. Yes, sir.

Q. From actual personal examination of the books ?—A. Personal examination of those two Finance Reports, those three tables.

Q. Are you a professional bookkeeper ?—A. Yes, sir.

Q. Have you been employed in the Treasury Department ?—A. No, sir.

Q. In what kind of bookkeeping have you been employed ?—A. Mercantile and banking.

Q. Do you reside in this city ?—A. I reside here now ; I formerly resided in Baltimore.

Q. In order to aid us in the examination of this paper, will you tell us what "Statement F" discloses as to the debt statement of 1833 ?—A. It discloses a difference in those three statements, the different way of stating the outstanding public debt of 1833.

Q. You mean to say that this paper discloses that the Finance Report of 1870 shows the Secretary's statement of the public debt for 1833 to be \$7,001,698.83 ?—A. Yes, sir.

Q. And that the Register's statement in the same report of the public debt of that year was \$7,001,032.83 ?—A. Yes, sir.

Q. Making a difference of \$665.95 ?—A. Yes, sir.

Q. The Register's statement of the same debt in the Finance Report of 1871 was \$7,001,698.83, or the same as the Secretary's report of that debt in the Finance Report of 1870 ?—A. Yes, sir.

Q. That is a correct statement as to that year?—A. Yes, sir.

Q. And this table shows a statement of like character as to the differences between the Secretary's statement and the Register's statement in the Finance Report of 1870 and the Register's statement in the Finance Report of 1871?—A. Yes, sir.

Q. What does the word "total" at the bottom represent where it says "total \$20,233,160,879.33"? That is the total of all the public debt of all those years added together?—A. Yes, sir.

Q. And the total according to the Secretary's statement in the Finance Report of 1870?—A. Yes, sir.

Q. The Register's statement in the same report is represented to be \$19,985,393,537.67?—A. Yes, sir.

Q. What do the separate sums put off against the word "difference" at the foot of these columns indicate?—A. That indicates a difference of \$247,767,341.66, deducting one addition from the other.

Q. Does the same item of "difference" which is found in the year 1833 re-appear in any of the statements as to any of the other years between 1833 and 1870?—A. I do not exactly understand you.

Q. Suppose the Secretary made his statement larger than the Register made his statement in 1833 by \$665.95, and the Register the next year adopted that sum as he seems to have done, he made a difference of \$665.95. When he came to make his statement in 1834 he would include, if he was honest and did not alter his figures, the \$665.95 which he had added the year before, would he not?—A. That is not exactly my province to say. I show the differences.

Q. You are a professional bookkeeper?—A. I know, but I am here to show the discrepancies, and not to explain them. It is the province of the Treasury officers to explain how they managed that the next year. It is my province merely to show these discrepancies. The Treasury officials probably can tell you exactly what was done.

Q. If you do not know whether that was repeated each year, why did you undertake to say what is the total of the differences? How did you get that up?—A. I added the totals to prove the account principally.

Q. You added together the differences which were made each year where those differences made an increase, and then you added together the differences that made a decrease, and took the one from the other, did you?—A. Yes, sir.

Q. Without any knowledge on your part of whether the difference which was found upon the books between the statements of any one year was carried along through the different years, or not?—A. I took these three tables in the two Finance Reports, and I struck the difference between them from one year to the other.

Q. You understand my question, do you not? It is whether you have done this without any personal knowledge on your part whether a difference in the statement of one year was carried along or treated in the year which followed? You say you have done nothing but take the figures as you found them?—A. I have merely taken the figures as I found them.

Q. You are unable to answer my question, then, whether a difference which was found in the statement of 1833 of \$665.95 was not in point of fact carried along through all the years?—A. That I cannot answer.

Q. That is what I supposed. You have no knowledge so that you can answer yes or no?—A. I have no knowledge on the subject. I would rather not say anything about these additions, because they are not on the Finance Reports. What I testify to is that these differences from year to year exist in the Finance Reports, irrespective of the additions at

the bottom of this statement, because they do not exist in the Finance Reports. I did not examine the books of 1833. All the statements furnished the committee run from 1860 to 1877, inclusive.

Q. Then let me ask did you examine the books of the department to see if the books of the department corresponded with these published reports from 1833 to 1870?—A. Not the earlier ones. I did not examine the books for the entire statement. This is merely a comparison between the Finance Reports.

Q. But whether those finance reports correspond with the books in the Treasury Department you do not testify to?—A. No, sir.

Q. You have only examined the Finance Reports, and this table, F, states accurately what it purports to state—the differences between the Finance Reports?—A. This table accurately states the differences, including 1870, that exist between these three tables in the Finance Reports of 1870 and 1871. The addition of course I do not testify to, because that is not in the Finance Reports. I am merely testifying to the differences between the three, and the paper is perfectly correct as regards those differences.

Q. But you have not examined the books of the department to see whether the books of the department verify what is printed in these reports?—A. This is irrespective of the books entirely.

Q. These totals at the bottom do not appear in the published reports?—A. No, sir; I am just testifying to these differences.

Q. But these totals are ascertainable and ascertained by adding up the figures?—A. Yes, sir; that is an independent thing entirely. I am testifying to the differences between these reports as they exist here.

Q. Then you wish to state simply of this statement F that it is a tabulation of the differences as they appear in the printed Finance Reports of 1870 and 1871, without regard to the fact whether these differences also appear in the books of the Treasury Department?—A. Yes, sir. The books of the department have nothing to do with this.

Q. And these totals and the difference between totals at the bottom of the statement are ascertained by adding up these several columns?—A. That is an independent thing. I prefer to testify just to the differences, leaving out the totals.

Q. Do you know how these totals at the foot of these columns, and the difference between these totals, are ascertained?—A. It is just by adding them together and deducting one from the other.

[In regard to the admission of the document offered by the chairman as verified by the witness, the committee made the following decision:

The committee admit the statement, the figures and tables therein contained, taken from the speeches of Mr. Davis in the Senate, as reported in the Congressional Record, having been by the witness Woodville carefully compared with the official Finance Reports to Congress, for the years named therein, and found by him to be accurately stated from these Finance Reports, with the exception of the footings and such corrections as he has therein named, which will be found at the end of the statement; but the remarks in these speeches of Mr. Davis himself in connection with these figures, and his inferences drawn from them, are no part of the testimony of the witness. The footings themselves were found to be correct as footings. The witness having gone through the processes of addition and subtraction as to said footings as therein put down, found them to be correct so far as addition and subtraction were concerned, without expressing or being called upon to express any opinion in reference to them.

The statement is as follows:

TREASURY ACCOUNTS.—STATEMENTS IN THE SPEECHES OF HON. HENRY G. DAVIS DELIVERED IN THE UNITED STATES SENATE JANUARY 13, 24, AUGUST 5, 1876, AND NOVEMBER 16, 1877.

*Statements in speech January 13, 1876.*

CHANGE OF FIGURES AS TO EXPENDITURES.

I find on examination that all of the Finance Reports of the Treasury Department previous to the year 1870 substantially agree as to the total annual receipts and expenditures of the government; but taking the Finance Report for 1870, I find that it differs as to the total annual receipts and expenditures from all like previous reports as to the years included between 1860-'61 and 1865-'66. For instance, in the Finance Report 1869, on page 321, it will appear, commencing with the year 1860-'61, the total annual expenditures are stated as follows:

1860-'61 .....	\$85,387,313 08
1861-'62 .....	570,841,700 25
1862-'63 .....	895,796,630 65
1863-'64 .....	1,298,144,656 00
1864-'65 .....	1,897,674,224 09
1865-'66 .....	*1,141,172,666 09
Total .....	5,888,917,190 16

Now, taking the Finance Report for 1870, at page 275, we find, commencing with the year 1860-'61, that the total annual expenditures are stated as follows:

1860-'61 .....	\$85,387,363 08
1861-'62 .....	565,667,358 08
1862-'63 .....	899,815,911 25
1863-'64 .....	1,295,541,114 86
1864-'65 .....	1,906,433,331 37
1865-'66 .....	1,139,344,081 95
Total .....	5,892,189,160 59
Difference or increase .....	3,271,970 43

By comparing the above figures it will be seen that the total annual expenditures during the years named differ materially; for instance, in the report of 1869 the total annual expenditures for the year 1864-'65 are stated at \$1,897,674,224.09. Now, in the report of 1870 the total annual expenditures for the same year, 1864-'65, are stated at \$1,906,433,331.37, showing not only a wide difference, but, what is worse, an increase in the amount of nearly \$900,000,000. That is, the report of 1870 increases the expenditures for the year 1864-'65 over the report for 1869 and previous reports for the same year about \$9,000,000.

Taking the year 1862-'63, it will be seen that the report of 1870 increases the total annual expenditures of that year over the report for 1869 for the same year over \$4,000,000. It will be further found that, taking all the years above named together, they are at times increased and then decreased; but the report of 1870 increases the average total expenditures of the government during these years over the report of 1869 above \$3,000,000.

The net ordinary expenditures of the government for the year 1865, as stated in the Finance Report for 1869, are \$1,212,911,270.41. The same expenditures for the same year, as stated in the Finance Report for 1870, is \$1,214,349,195.43, showing an increase of \$1,437,925.02. In other words, the Finance Reports of 1865, 1866, 1867, 1868, and 1869, which agree with each other, show that the net ordinary expenditures of the government were nearly one and one-half millions less than the report of 1870 shows them to have been for that year.

Taking the Navy, War, Pension, and Indian expenditures especially from 1860 to 1866, it will be seen that many of the figures have been changed in the Finance Report of 1870, after having been officially reported for many years.

\*Should be \$1,141,072,666.09. Difference 100,000. Typographical error. Aggregate correct.

## PENSION EXPENDITURES.

In the report of 1870 the expenditures for pensions are stated for the year 1864-'65 at .....	\$16,347,621 34
In the report of 1869 the same expenditures for the same year are stated at .....	9,291,610 48
Showing an increase in the report of 1870 over the figures in the report of 1869 of .....	7,056,010 86
In the report of 1870 the pension expenditures for the year 1863-'64 are stated at .....	4,985,473 90
In the report of 1863-'64 the same expenditures for that year (1863-'64) are stated at .....	4,979,633 17
Showing an increase in the report of 1870 over the figures stated in the report of 1869 of .....	5,840 73
In the report of 1870 the expenditures for pensions in the year 1870 are stated at .....	28,340,202 17
In the report of 1874 the same expenditures for the same year (1870) are stated at .....	28,402,241 20
Showing an increase in the report of 1874 over 1870 of .....	62,039 03

## NAVAL EXPENDITURES.

In the Finance Report for 1871 the expenditures in the Naval Department are put down for the year 1865 at .....	*122,617,431 07
In the report for 1869 these same expenditures are stated for the same year at .....	122,567,776 12
Showing an increase in the report of 1871 over the report of 1869 in the naval expenditures for the year 1865 of .....	49,657 95

## WAR DEPARTMENT.

In the report of 1871 the expenditures of the War Department are put down in the annual statement of government expenditures for the year 1862-'63 at .....	603,314,411 82
In the report of 1869 the same expenditures for the same year, as appears in the annual statement of expenditures, is stated at .....	599,298,600 83
Showing an increase in the figures of the report of 1871 over the report of 1869 for the year 1863 of .....	†4,015,800 99

## EXPENDITURES IN INDIAN DEPARTMENT.

In the report for the year 1870 the expenses in the Indian Department for the year 1863 are reported in the statement of annual expenditures at .....	3,152,032 70
While in the report for the year 1868 the same expenses are reported for the same year at .....	1,076,326 35
Showing an increase in the figures of the report of 1870 over the report of 1868 in the Indian expenditures for the same year of .....	2,075,706 35

## REVENUE COLLECTED.

In the Finance Report for 1863, in the annual statement of revenue collected for that year, we find the internal revenue stated at .....	\$37,640,787 95
The total revenue, exclusive of loans and Treasury notes, at .....	132,889,746 95
And the total receipts from all sources stated for the same year at .....	889,379,652 52
Now, in the report of 1864 for the same year the internal revenue is stated at the same figures .....	37,640,787 95
Total revenue, exclusive of loans and Treasury notes. at .....	112,687,290 95
And the total receipts from all sources at .....	889,379,652 52

\* Should be 122,617,434.07. Difference \$3. Aggregate correct. Typographical error.  
 † Should be 4,015,810.99. Difference, 10. Error in addition.

That is to say, the Treasury Department makes the total receipts the same, although there is a wide difference in the amount of the total revenue, exclusive of loans and Treasury notes.

And in the report of 1870 of the annual statement of revenue collected for the year 1863 we find that no internal revenue is stated as having been collected during that year whatever, and the total receipts, exclusive of loans and Treasury notes, at \$74,448,157.55, and the total receipts from all sources, \$889,373,652.51; showing that in the year 1863, although no internal revenue appears in the report for that year and the net revenue is stated at a less sum by more than \$30,000,000, yet the total receipts from all sources, as in the report of 1863 and 1864, is nearly the same, \$889,373,652.51.

## LOANS AND TREASURY NOTES.

The loans and Treasury notes for the year 1863 are stated as follows in the various finance reports of the annual statements of revenue collected:

In the report of 1863.....	\$756,489,905 57
In the report of 1864.....	776,682,361 57
In the report of 1870.....	814,925,494 96

## CHANGES IN THE PUBLIC-DEBT STATEMENT.

By examining the Register's reports for 1870 and 1871, it will be seen that great changes have been made in the statement of the public debt, particularly for the years between 1862 and 1870, inclusive. For instance, in the report of 1871 the statement of the public debt is, commencing with the year 1862, as follows:

1862.....	\$524,176,412 13
1863.....	1,119,772,138 63
1864.....	1,815,784,370 57
1865.....	2,680,647,869 74
1866.....	2,773,236,173 69
1867.....	2,678,126,103 87
1868.....	2,611,687,851 19
1869.....	2,588,452,213 94
1870.....	2,480,672,427 81
Total.....	19,272,555,561 57

In the report for 1870 for the same years the public debt is stated as follows:

1862.....	\$514,211,371 92
1863.....	1,098,793,181 37
1864.....	1,740,690,489 49
1865.....	2,682,593,026 53
1866.....	2,783,425,879 21
1867.....	2,692,199,215 12
1868.....	2,636,320,964 67
1869.....	2,489,002,480 58
1870.....	2,386,358,599 74
Total.....	19,023,595,208 63
Difference, or increase.....	248,960,352 94

From the above nine years it will be seen that in the report of 1871 the public debt for the years named is increased over the same years in the report of 1870, in the aggregate, \$248,960,352.94; and that in the single year of 1870 the report of 1871 increases the public debt over the report of 1870 for that year over \$94,000,000, and for the year 1869 over \$99,000,000; and for the year 1864 the increase is more than \$75,000,000, and for the year 1863 more than \$21,000,000.

In the report of 1871 the years in which the public debt is increased over the report of 1870 are—

1862.....	\$524,176,412 13
1863.....	1,119,772,138 63
1864.....	1,815,784,370 57
1869.....	2,588,452,213 94
1870.....	2,480,672,427 81
Total.....	8,528,857,563 08

In the report of 1870 these same years are put down as follows :

1862 .....	\$514, 211, 371 92
1863 .....	1, 098, 793, 181 37
1864 .....	1, 740, 690, 489 49
1869 .....	2, 489, 002, 480 54
1870 .....	2, 386, 358, 599 74

Total .....	8, 229, 056, 123 06
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Showing an aggregate increase in these years of \$299,801,440.02.

In the report of 1871 the years in which the public debt is decreased, as compared with the report of 1870, are—

1866 .....	\$2, 773, 236, 173 69
1867 .....	2, 678, 126, 103 87
1868 .....	2, 611, 687, 851 19

Total .....	8, 063, 050, 128 75
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In the report of 1870 these same years are stated—

1866 .....	* 7, 283, 425, 879 21
1867 .....	2, 692, 199, 215 12
1868 .....	2, 636, 320, 964 67

Total .....	8, 111, 946, 059, 00
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Showing the aggregate decrease in these years to be \$48,895,930.25.

The aggregate increase in the other years named has been ascertained to be \$299,801,440.02.

There are a few other years in which the figures have been changed, but these changes, when compared with those just stated, are so slight as to amounts that they will not materially affect the aggregate increase ascertained.

In the Finance Report for 1874 the public debt is stated for the years—

1872 .....	\$2, 253, 251, 078 78
1873 .....	2, 234, 482, 743 20

Decrease for that year .....	18, 768, 335 58
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On page 5 of the Finance Report for 1873 the Secretary says the decrease for that year was \$43,667,630.05, making a difference of \$24,899,324.47.

In the Finance Report for 1874 the public debt for 1874 is stated at.. \$2, 251, 690, 218 43

In the same report the public debt for 1873 is stated at..... 2, 234, 482, 743 20

Increase, according to these figures, in 1874 over 1873 .....	17, 207, 475 23
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These figures are from the Register's report of 1874, page 496.

*Statements in speech January 24, 1876.*

If we compare the statements of the annual revenue collected made by the Register in the Finance Report for 1866 for the years 1862, 1863, 1864, and 1865 with the statements of the annual revenue collected in the Finance Reports for 1870 for the same years, we not only find that the amounts differ widely, but the Finance Report for 1870 states that the revenue collected for these years was much less. For instance :

FOR YEAR 1862.

Report for 1870 states net revenue collected .....	\$51, 935, 720 76
Report for 1870 states net revenue collected .....	51, 907, 944 62
Showing a decrease of .....	27, 776 14

FOR YEAR 1863.

Report for 1866 states net revenue collected .....	112, 687, 290 95
Report for 1870 states net revenue collected .....	74, 448, 157 55
Showing a decrease of .....	38, 239, 133 40

\* Should be 2,783,425,879.21, transposition of figures. Aggregate correct.

## FOR YEAR 1864.

Report for 1866 states net revenue collected.....	\$264,626,771 60
Report for 1870 states net revenue collected.....	262,742,354 32
Showing a decrease of .....	1,884,417 28

## FOR YEAR 1865.

Report for 1866 states net revenue collected.....	333,714,605 08
Report for 1870 states net revenue collected.....	323,092,785 92
Showing a decrease of .....	10,621,819 16

## PUBLIC DEBT STATEMENTS.

I will now refer to some changes in the statement of the public debt. In all of the Finance Reports from 1835 to 1870 the public debt has been stated for the following years, as follows:

July 1, 1836.....	\$291,089 05
1837.....	1,878,223 55
1841.....	6,737,398 00
1843.....	27,203,450 69
1858.....	44,910,777 66
1859.....	58,754,699 33
1860.....	64,769,703 08

The Finance Report for 1871 on page 369 in the statement of the public debt changes these figures, in every instance increasing them, and states the public debt for these same years at—

July 1, 1836.....	\$336,957 83
1837.....	3,308,124 07
1841.....	13,594,480 73
1843.....	32,742,922 00
1858.....	44,911,881 03
1859.....	58,496,837 88
1860.....	64,842,287 88

The aggregate increase in the public debt in these years is over \$13,000,000.

The report of 1871 changes the figures and increases the public debt over all former reports for the year 1837, nearly \$1,500,000; for the year 1841, over \$6,000,000; and for the year 1843, over \$5,000,000.

It must be borne in mind that these changes which were made in the year 1871 reach back from that year to the year 1836, a period of thirty-five years.

While on this subject of the public debt and the changes in the statements thereof, I desire to state further that I find what is generally known as the Pacific Railroad debt was, by Mr. McCulloch for several years and his successor in the year 1869, stated and reported as a part of the public debt, amounting in that year to near \$60,000,000; but in the report of 1870 this item of near \$60,000,000 is stricken from the public debt and placed in a separate table, and from that year until now it has been and is reported and treated not as a part of the public debt, but as a debt of the Pacific Railroad, when in fact it was and is as much a public debt as it was when stated and reported as such in the reports of 1869 and in previous years.

*Statements in speech August 5, 1876.**Annual expenditures as shown by reports of 1869 and 1870.*

Years.	Total annual expenditures as stated in finance report for—		Increase in report of 1870 over 1869.	Decrease in report of 1870 over 1869.
	1869 and previous reports.	1870 and subsequent reports.		
1860-'61.....	\$85,387,313 08	\$85,387,363 08	\$50 00	
1861-'62.....	570,841,700 25	565,667,358 08		\$5,174,342 17
1862-'63.....	885,796,680 65	899,815,911 25	4,019,280 60	
1863-'64.....	1,298,144,656 00	1,295,541,114 86		2,603,541 14
1864-'65.....	1,897,674,224 09	1,906,433,331 37	8,759,107 28	
1865-'66.....	1,141,072,666 09	1,139,344,081 95		1,728,584 14
Total.....	5,868,917,100 16	5,892,189,160 59	12,778,437 88	9,506,467 45
Difference or increase.....			3,271,970 43	



*Annual expenditures as shown by reports of 1869 and 1870—Continued.*

Year.	Public debt, as stated in the finance report for—		Increase.	Decrease.
	1871 and subsequent reports.	1870 and previous reports.		
1862.....	\$524, 176, 412 13	\$514, 211, 371 92	\$9, 965, 040 21	.....
1863.....	1, 119, 772, 138 63	1, 098, 793, 181 37	20, 978, 957 26	.....
1864.....	1, 815, 784, 370 57	1, 740, 694, 489 49	75, 093, 881 08	.....
1865.....	2, 680, 647, 869 74	2, 682, 593, 026 53	.....	\$1, 945, 156 79
1866.....	2, 773, 236, 173 69	2, 783, 425, 879 21	.....	10, 189, 705 52
1867.....	2, 678, 126, 103 87	2, 692, 199, 215 12	.....	14, 013, 111 25
1868.....	2, 611, 687, 851 19	2, 636, 320, 964 67	.....	24, 633, 113 48
1869.....	2, 588, 452, 213 94	2, 489, 002, 480 56	99, 449, 733 36	.....
1870.....	2, 480, 672, 427 81	2, 386, 358, 599 74	94, 313, 828 07	.....
Total.....	19, 272, 555, 561 57	19, 023, 595, 208 63	299, 801, 439 96	50, 841, 067 04
Total difference or increase.	.....	.....	248, 960, 352 94	.....

A few days ago I addressed a letter to the Commissioner of Pensions asking him to furnish me a statement showing the amount paid for pensions from 1860 to 1870, inclusive, to which he replied as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,  
Washington, D. C., July 25, 1876.

SIR: In compliance with your request of the 24th instant, I have the honor to transmit the inclosed table of the amount paid for Army and Navy pensions from 1860 to 1870, inclusive.

Inclosed is also the annual report of this office for the year 1865; the copies for the year 1864 are exhausted.

Very respectfully, your obedient servant,

O. P. G. STARKE, Chief Clerk.

Hon. H. G. DAVIS, United States Senate.

*Statement showing the total amount paid in each fiscal year for Army and Navy pensions from 1860 to 1870, inclusive.*

1860.....	\$1, 154, 321 73
1861.....	1, 089, 218 75
1862.....	800, 819 94
1863.....	1, 044, 364 47
1864.....	4, 521, 622 18
1865.....	8, 542, 885 27
1866.....	13, 250, 980 17
1867.....	18, 681, 711 79
1868.....	24, 079, 403 18
1869.....	28, 445, 089 09
1870.....	27, 780, 811 81

Total for eleven years..... 129, 391, 228 38

*Statement showing the total amount paid in each fiscal year for Army and Navy pensions, as per Finance Report for 1870 and letter of the Commissioner of Pensions of July 25, 1876.*

Years.	From Secretary's table, Finance Report of 1870, page 20.	From letter of Commissioner of Pensions.	Increase.	Decrease.
1860.....	\$1, 100, 802 22	\$1, 154, 321 73	.....	\$53, 519 41
1861.....	1, 024, 599 73	1, 089, 218 75	.....	54, 619 02
1862.....	852, 170 47	800, 819 94	\$51, 350 53	.....
1863.....	1, 078, 513 36	1, 044, 364 47	34, 148 89	.....
1864.....	4, 965, 473 90	4, 521, 622 18	443, 851 72	.....
1865.....	16, 347, 621 34	8, 542, 885 27	7, 804, 736 07	.....
1866.....	15, 605, 540 88	13, 250, 980 17	2, 354, 560 71	.....
1867.....	20, 936, 551 71	18, 681, 711 79	2, 254, 839 92	.....
1868.....	23, 782, 386 78	24, 079, 403 18	.....	297, 016 40
1869.....	28, 476, 631 78	28, 445, 089 09	31, 532 69	.....
1870.....	28, 340, 202 17	27, 780, 811 81	559, 390 36	.....
Total.....	142, 540, 493 44	129, 391, 228 38	13, 554, 419 89	405, 154 83

Secretary's table, Finance Report for 1875.....	\$142, 540, 493 44	
Increase .....		\$13, 554, 419 89
Letter of Commissioner of Pensions, July 25, 1876 .....	129, 391, 228 38	
Decrease.....		405, 154 83
Difference or increase in Secretary's table .....	13, 149, 265 06	13, 149, 265 06

*Pension expenditures.*

Year.	Report for 1869.	Report for 1870.	Increase.
1846 .....	\$1, 809, 739 62	\$1, 811, 097 56	\$1, 357 04
1849 .....	193, 605 87	1, 328, 887 64	1, 135, 171 77
1859 .....	161, 190 66	1, 222, 222 71	1, 061, 032 05
Total increase .....			2, 197, 561 76

*War expenditures.*

Year.	Report for 1869.	Report for 1871.	Increase.
1844 .....	\$5, 192, 445 05	\$5, 218, 183 66	\$25, 738 61
1846 .....	10, 362, 374 38	10, 413, 370 18	50, 995 82
1847 .....	35, 776, 495 72	35, 840, 030 33	63, 534 61
1860 .....	14, 472, 202 72	16, 472, 202 72	2, 000, 000 00
Total increase .....			2, 140, 269 04

*Expenditures in Indian Bureau.*

Year.	Report for 1869.	Report for 1871.	Increase.
1848 .....	\$1, 103, 251 78	\$1, 252, 296 81	\$149, 045 03
1849 .....	509, 283 25	1, 374, 161 55	864, 898 30
1854 .....	1, 413, 995 08	1, 550, 339 55	136, 344 47
1855 .....	2, 708, 347 71	2, 772, 990 78	64, 643 07
1856 .....	2, 586, 465 92	2, 644, 263 97	47, 798 05
1857 .....	4, 241, 028 60	4, 355, 683 64	114, 655 04
1862 .....	2, 223, 402 27	2, 327, 948 37	104, 546 10
1864 .....	2, 538, 297 80	2, 629, 975 97	91, 678 17
1865 .....	4, 966, 964 90	5, 059, 360 71	92, 395 81
1866 .....	3, 247, 064 56	3, 293, 729 32	46, 664 76
Total increase .....			1, 614, 898 89

*Statement showing total receipts as stated for the same year.*

Year.	Report for 1869.	Report for 1871.	Decrease.
1837 .....	\$37, 947, 142 19	\$27, 883, 853 84	\$63, 288 35
1840 .....	25, 060, 662 84	25, 032, 193 50	37, 469 34
1847 .....	55, 401, 804 58	55, 338, 168 52	63, 636 06
1848 .....	57, 006, 889 65	56, 992, 479 21	14, 410 44
1850 .....	47, 669, 766 75	47, 649, 388 88	20, 377 87
1853 .....	61, 803, 404 58	61, 500, 102 81	303, 301 77
1859 .....	81, 773, 965 64	81, 758, 537 30	15, 406 34
Total decrease .....			517, 892 17

*Miscellaneous receipts.*

Year.	Report for 1869.	Report for 1871.	Decrease.
1837 .....	\$5, 625, 479 15	\$5, 562, 190 80	\$63, 288 35
1848 .....	627, 021 13	577, 775 99	49, 245 14

*Statement of the public debt from 1835 to 1871.*

Year.	Report of 1870.	Report of 1871.	Increase in report of 1871 over 1870.	Decrease.
1835	\$351,289 05	\$37,513 05		\$313,776 00
1836	291,089 05	336,957 83	\$45,868 78	
1837	1,878,223 55	3,308,124 07	1,429,900 52	
1838	4,857,600 46	10,434,221 14	5,576,560 68	
1839	11,983,737 53	3,573,343 82		8,410,393 71
1840	5,125,077 63	5,250,875 54	125,797 91	
1841	6,737,398 00	13,594,480 73	6,857,082 73	
1842	15,028,486 37	20,601,226 28	5,572,739 91	
1843	27,203,450 69	32,742,922 00	5,539,471 31	
1844	24,748,188 23	23,481,652 50		1,286,535 73
1845	17,093,794 80	15,925,303 01		1,168,491 79
1846	16,750,926 33	15,550,202 97		1,200,723 36
1847	38,956,623 38	38,826,534 77		130,088 61
1848	48,526,379 87	47,044,862 23		1,481,517 14
1849	64,704,693 71	63,061,858 69		1,642,835 02
1850	64,228,238 37	63,452,773 55		775,464 82
1851	62,560,395 26	68,304,796 02	5,744,400 76	
1852	65,131,692 13	66,199,341 71	1,067,649 58	
1853	67,340,628 78	59,803,117 70		7,537,511 06
1854	47,242,206 05	42,242,222 42		4,999,983 63
1855	39,968,731 05	35,586,956 56		4,382,774 49
1856	30,969,909 64	31,972,537 90	1,008,628 26	
1857	29,060,386 90	28,699,831 85		360,555 05
1858	44,910,777 66	44,911,881 03	1,103 37	
1859	58,754,699 33	58,496,837 88		257,861 45
1860	64,769,703 08	64,842,287 88	72,584 80	
1861	90,867,828 68	90,580,873 72		286,954 96
1862	514,211,371 92	524,176,412 13	9,965,040 21	
1863	1,098,793,181 37	1,119,772,138 63	20,978,957 26	
1864	1,740,690,489 49	1,815,784,370 57	*75,093,881 68	
1865	2,682,593,028 53	2,680,647,869 74		1,945,156 79
1866	2,783,425,879 21	2,773,236,173 69		10,189,705 52
1867	2,692,199,215 12	2,678,126,103 87		14,073,111 25
1868	2,636,820,964 67	2,611,687,851 19		24,633,113 48
1869	2,489,002,480 58	2,588,452,213 94	99,449,733 36	
1870	2,386,358,599 74	2,480,672,427 81	94,313,828 07	
Total			332,843,228 59	85,076,553 88
Decrease			85,076,553 88	
Increase			247,766,674 71	

## RECAPITULATION.

Report of 1871	\$20,221,399,098 41
Report of 1870	19,973,622,423 72
Increase in report of 1871 over 1870	247,766,674 71

\* Should be \$75,093,881.08; difference, \$0.60; typographical error.

*Statements in speech November 16, 1877.*

## PUBLIC DEBT.

The annual statement of the public debt from 1835 to 1871, as appears in the Finance Reports for 1869 and previous reports, and 1871 and subsequent reports, shows the difference in each year and the total difference between the two reports (see pages 12 and 363, Finance Report for 1871, and page 317, Finance Report for 1869):

Year.	Reports of 1869 and previous years.	Reports of 1871 and subsequent years.	Increase in re- port of 1871 over 1869.	Decrease.
1835	\$351,289 05	\$37,513 05		\$313,776 00
1836	291,089 05	336,957 83	\$45,868 78	
1837	1,878,223 55	3,308,124 07	1,429,900 52	
1838	4,857,660 46	10,434,221 14	5,576,560 68	
1839	11,983,737 53	3,573,343 82		8,410,393 71
1840	5,125,077 63	5,250,875 54	125,797 91	
1841	6,737,398 00	13,504,480 73	6,857,082 73	
1842	15,028,486 37	20,601,226 28	5,572,739 91	
1843	27,203,450 69	32,742,922 00	5,539,471 31	
1844	24,748,188 23	23,461,652 50		1,286,535 73
1845	17,093,794 80	15,925,303 01		1,168,491 79
1846	16,750,926 33	15,550,202 97		1,200,723 39
1847	38,956,623 38	38,826,534 77		130,088 61
1848	48,526,379 37	47,044,862 23		1,481,517 14
1849	64,704,693 71	63,061,858 69		1,642,835 02
1850	64,228,238 37	63,452,773 55		775,464 82
1851	62,560,395 26	68,304,796 02	5,744,400 76	
1852	65,131,692 13	66,198,341 71	1,067,649 58	
1853	67,340,628 78	59,803,117 70		7,537,511 08
1854	47,242,206 05	42,242,222 42		4,999,983 63
1855	30,969,731 05	35,586,956 56		4,382,774 49
1856	30,963,909 64	31,972,537 90	1,008,628 26	
1857	29,080,386 90	28,699,831 85		380,555 05
1858	44,410,777 66	44,911,881 03	1,103 37	
1859	58,754,699 33	58,496,837 88		257,861 45
1860	64,769,703 08	64,842,287 88	72,584 80	
1861	90,867,828 68	90,580,873 72		286,954 96
1862	514,211,371 92	524,176,412 13	9,965,040 21	
1863	1,098,793,181 37	1,119,772,138 63	20,978,957 26	
1864	1,740,690,489 49	1,815,784,370 57	75,093,881 68	
1865	2,682,593,026 53	2,680,647,869 74		1,945,156 79
1866	2,783,425,879 21	2,773,236,173 69		10,189,705 52
1867	2,692,199,215 12	2,678,126,103 87		14,073,111 25
1868	2,636,320,964 67	2,611,687,851 19		24,633,113 48
1869	2,489,002,480 58	2,588,452,213 94	99,449,733 36	
1870	2,386,358,599 74	2,480,672,427 81	94,313,828 07	
Total	\$19,973,622,423 71	20,221,399,098 42	332,843,228 59	85,076,553 88
Total increase		19,973,622,423 71	85,076,553 88	

And the increased figures appear in all Finance Reports since 1871.

\* Should be \$1,200,723.36; difference, \$0.03; typographical error.

† Should be \$9,963,040.21; difference, \$900; typographical error.

‡ Should be \$75,093,881.08; difference, \$0.60; typographical error.

§ Should be \$19,973,632,423.71; difference, \$10,000; typographical error.

Again, by comparing the public-debt statements found in the report for 1870 (page 276) and 1871 (pages 368, 369), we find large differences, commencing with the year 1862. And although these changes extend as far back as 1835, yet the greatest increase, indeed almost all of it, was from 1862 to 1870, as the following table will show:

Year.	Report for 1870, page 276.	Report for 1871, pp. 368, 369.
1862.....	\$514, 211, 371 92	\$524, 176, 412 13
1863.....	1, 096, 793, 181 37	1, 119, 772, 138 63
1864.....	1, 740, 690, 489 49	1, 815, 784, 370 57
1865.....	2, 682, 593, 028 53	2, 680, 647, 890 74
1866.....	2, 783, 425, 879 21	2, 773, 236, 173 69
1867.....	2, 692, 199, 215 12	2, 678, 126, 103 87
1868.....	2, 636, 320, 964 67	2, 611, 667, 851 19
1869.....	2, 489, 002, 480 56	2, 588, 452, 213 94
1870.....	2, 386, 358, 599 74	2, 480, 672, 427 81
<b>Total.....</b>	<b>19, 023, 595, 208 63</b>	<b>19, 272, 555, 561 57</b>
<b>Difference, or increase .....</b>		<b>248, 960, 352 94</b>

  

Year.	Public debt, stated in report for 1870, page 276.	Public debt, stated in report for 1871, pages 368 and 369.
1862.....	\$514, 211, 371 92	\$524, 176, 412 13
1863.....	1, 096, 793, 181 37	1, 119, 772, 138 63
1864.....	1, 740, 690, 489 49	1, 815, 784, 370 57
1869.....	2, 489, 002, 480 56	2, 588, 452, 213 94
1870.....	2, 386, 358, 599 74	2, 480, 672, 427 81
<b>Total.....</b>	<b>8, 220, 056, 322 96</b>	<b>8, 528, 857, 563 06</b> <b>8, 220, 056, 322 96</b>
<b>Showing an aggregate increase in these years of .....</b>		<b>299, 801, 340 02</b>

Again, the statements made by the Secretary of the Treasury in the annual Finance Reports and in the monthly debt statements, as also those made by the Register of the Treasury for a given year, often differ materially from each other. For instance, take the year 1869:

Finance Report for 1869, page 29.....	\$2, 656, 603, 955 73
Monthly debt statement, July 1, 1869 .....	2, 645, 170, 294 16
Finance Report, 1870 (June 30, 1869), page 25.....	2, 588, 452, 213 94
Finance Report, 1870 (by the Register), page 276.....	2, 489, 002, 480 58
Again the Register, at page 317, Finance Report for 1869, states the public debt for that year to be.....	2, 489, 002, 480 58
The Secretary, at page 25, Finance Report for 1870, and page 13, report for 1871, states the public debt for the year 1870 to be.....	2, 480, 672, 427 81
The difference between these sums ought to show the decrease of the public debt for 1870, which is .....	8, 330, 052 77
But the monthly debt statements for the year 1870 state the decrease of the public debt for that year was.....	102, 643, 880 84
<b>Making a difference between the Finance Reports and monthly statements of .....</b>	<b>94, 313, 828 07</b>
Now, up to 1869 the Pacific Railroad debt was carried as part of the public debt, but in 1870 it was taken from the public debt and stated as the debt of the Pacific Railroad, amounting at that time, which was only an apparent and not real reduction, to.....	58, 638, 320 00
If from this amount we subtract the real decrease as shown above.....	8, 330, 052 77
It would appear that the public debt for 1870 was increased .....	50, 008, 267 23
And not decreased, as set forth in the monthly debt statements....	102, 643, 880 84

## LOANS AND TREASURY NOTES.

Under this head I call the attention of the Senate to the great difference in the Finance Reports as to what they were for the year 1863. They are stated differently in four annual reports, as follows:

In the report of 1863 .....	\$756,489,905 57
In the report of 1864 .....	776,682,361 57
In the report of 1870 .....	\$14,925,494 96
In the report of 1876 .....	717,284,707 01

## EXPENDITURES.

The various Finance Reports differ widely as to the annual expenditures of the government, as the following table will show:

Year.	Total annual expenditures as stated in financial report for—		Increase in report of 1870 over 1869.	Decrease in report of 1870 over 1869.
	1869 and previous reports (pp. 320, 321).	1870 and subsequent reports (pp. 274, 275).		
1860-'61 .....	\$85,387,313 06	\$85,387,363 08	\$50 00	
1861-'62 .....	570,841,700 25	565,667,358 08		\$5,174,342 17
1862-'63 .....	895,796,630 65	899,815,911 25	4,019,280 60	
1863-'64 .....	1,298,144,656 00	1,295,541,114 86		2,603,541 14
1864-'65 .....	1,697,674,224 99	1,906,433,331 37	8,759,107 28	
1865-'66 .....	1,141,072,666 09	1,139,344,081 95		1,728,584 14
<b>Total</b> .....	<b>5,888,917,190 16</b>	<b>5,892,189,160 59</b>	<b>12,778,437 88</b>	<b>9,506,467 45</b>
<b>Difference or increase</b> .....			<b>3,271,970 43</b>	

*Increase in expenditures in report of 1871 as compared with report of 1869.*

Year.	Military service.	Pensions.	Indians.	Naval establishment.	Total.
1869 .....	\$2,000,000 00				
1869 .....			\$104,546 10		
1869 .....			2,075,706 35	\$50,130 04	
1869 .....	4,015,810 99		91,678 17		
1869 .....		\$5,840 73	92,306 81	49,637 95	
1869 .....		7,056,010 86	48,664 76		
1869 .....		197 58			
<b>Total</b> .....	<b>6,015,810 99</b>	<b>7,061,949 12</b>	<b>2,412,991 19</b>	<b>99,787 99</b>	
<b>Increase:</b>					
<b>Military service</b> .....					<b>\$6,015,810 99</b>
<b>Pensions</b> .....					<b>7,061,949 12</b>
<b>Indians</b> .....					<b>2,412,991 19</b>
<b>Naval establishment</b> .....					<b>99,787 99</b>
<b>Total</b> .....					<b>15,590,538 29</b>

## INVESTIGATION OF THE ACCOUNTS OF

*Statement showing the total amount paid in each fiscal year for Army and Navy pensions, as per Finance Report for 1870 and letter of the Commissioner of Pensions of July 25, 1876.*

Year.	From Secretary's table, Finance Report of 1870, page 30.	From letter of Commissioner of Pensions.	Increase.	Decrease.
1860.....	\$1,100,802 32	\$1,154,321 73	.....	\$53,519 41
1861.....	1,034,599 73	1,089,218 75	.....	54,619 02
1862.....	852,170 47	800,819 94	\$51,350 53	.....
1863.....	1,078,513 36	1,044,364 47	34,148 89	.....
1864.....	4,985,473 90	4,521,622 18	463,851 72	.....
1865.....	16,347,621 84	8,542,885 27	7,804,736 07	.....
1866.....	15,605,549 88	13,250,960 17	2,354,569 71	.....
1867.....	20,936,551 71	18,681,711 79	2,254,839 92	.....
1868.....	23,782,886 78	24,079,403 18	.....	297,016 40
1869.....	28,476,621 78	28,445,089 09	31,532 69	.....
1870.....	28,340,202 17	27,780,811 81	559,390 36	.....
Total .....	142,540,493 44	129,391,228 38	13,554,419 89	405,154 83

Secretary's table, Finance Report for 1875.....	\$142,540,493 44	.....
Increase.....	.....	\$13,554,419 89
Letter of Commissioner of Pensions, July 25, 1876.....	129,391,228 38	.....
Decrease.....	.....	405,154 83
Difference or increase in Secretary's table .....	13,149,265 06	13,149,265 06

Year.	Report, 1869.	Report, 1871.	Decrease in report of 1871.
	States' total revenue collected.	States' total revenue collected.	
1832.....	\$31,867,450 66	\$31,865,561 16	\$1,889 50
1837.....	27,947,142 19	27,883,853 84	63,288 35
1839.....	35,340,025 82	33,881,242 89	1,458,782 93
1840.....	25,069,662 84	25,032,193 59	37,469 25
1847.....	55,401,804 58	55,338,168 52	63,636 06
1848.....	57,006,889 65	56,992,479 21	14,410 44
1850.....	47,669,766 75	47,649,388 88	20,377 87
1853.....	61,803,404 58	61,500,102 81	303,301 77
1859.....	81,773,965 64	81,758,567 30	15,406 34
1863.....	889,379,652 52	889,373,652 51	6,000 01
1865.....	*1,805,939,945 93	1,805,933,250 82	6,686 11
1866.....	1,270,884,173 11	1,270,712,078 82	172,094 29
Total decrease in report of 1871 .....	.....	.....	\$2,163,353 92

\* Should be \$1,805,939,345.93. Difference, \$600. Error in stating.

† Should be \$6,095.11. Difference, \$600. } Errors resulting from above.

‡ Should be \$2,162,753.92. Difference, \$600. }

After a careful examination, the differences between the Finance Reports are, with the exception of the errors described in the table below, found to be as stated by Senator Davis in his speeches of January 13 and 14, August 5, 1876, and November 16, 1877.

The foregoing statements agree with the statements in the reports in the Congressional Record of the above speeches, the same having been carefully compared by me.

WILLIAM WOODVILLE.

Table of errors.

Page.	Character of errors.	Erroneous amounts.	Correct amounts.	Remarks.
1	Typographical .....	\$1, 141, 172, 666 19	\$1, 141, 072, 666 19	**100, 000 difference. \$3 difference. \$10 difference. Caused by transposition of figures 7, 283, instead of 2, 783, aggregate being correct.
2	do .....	122, 617, 431 07	122, 617, 434 07	
2	In calculation .....	4, 015, 800 99	4, 015, 810 99	
5	Typographical .....	7, 283, 423, 879 21	2, 783, 425, 879 21	Caused by transposition of figures 7, 283, instead of 2, 783, aggregate being correct.
13	do .....	75, 093, 881 68	75, 093, 881 08	
15	do .....	1, 200, 723 39	1, 200, 723 36	
15	do .....	9, 865, 910 21	9, 865, 040 21	
15	do .....	75, 093, 881 68	75, 093, 881 08	
15	do .....	19, 973, 622, 423 71	19, 973, 632, 423 71	
18	In stating revenue collected in 1865	1, 805, 939, 945 93	1, 805, 939, 345 93	
18	In stating decrease .....	6, 695 11	6, 095 11	\$600 difference. \$600 difference.
18	In stating total .....	2, 163, 353 92	2, 162, 753 92	

JOSEPH T. POWER sworn and examined.

By the CHAIRMAN:

Question. What is your position in the Treasury Department?—Answer. Chief of the Division of Warrants, Estimates, and Appropriations in the Treasury Department.

Q. How long have you been in the government service in the Treasury Department?—A. Since May 9, 1869.

Q. State how long in the different offices.—A. I was in the Register's office until July 1, 1875, when I was appointed to my present position.

Q. Have you been designated in a general way by the Secretary of the Treasury to answer calls and inquiries from this committee?—A. The Secretary has referred all communications of this committee to my division, and generally directed me to prepare all answers and furnish all the information within the control of the department to the committee as it might be called for.

Q. Which you have done?—A. With the exception of one or two reports that are being prepared, and which will be received by the committee in a short time.

Q. When was the office you now hold created by law?—A. Since the organization of the department under Mr. Boutwell the Warrant Division has existed as at present; but the act of March 3, 1875, commonly known as the Kellogg bill, that fixed by law the organization of the Warrant Division as it now exists.

Q. In what office, and how, was the branch of service that you now are engaged at attended to previous to 1870?—A. Previous to 1870 the duties now assigned to this division were performed by two divisions, the organization of the department then recognizing more divisions and subdivisions than at present. In 1870 Secretary Boutwell consolidated the different divisions and branches of his office in an organization about as it now stands. There have been some slight changes since.

Q. And in 1875 this was recognized by law?—A. Yes, sir.

Q. When was a regular set of books, as you now keep them, opened in the Secretary's office?—A. From the organization of the office, as one of the duties of the Secretary of the Treasury, as provided by law, is to sign all warrants, and the necessary books of record therefor have always been kept in his office.

Q. When was the regular set of books, as you now keep them, opened in your office?—A. I am not able to say that a complete set of books



as is now kept in this office was kept in the Secretary's office prior to the act of March 3, 1817, reorganizing the Treasury Department, but I am of opinion that there always has been a regular set of appropriations ledgers kept in the Secretary's office since the commencement of the government, in one form or another.

Q. I understood you to state that in 1870, under Secretary Boutwell, there was a consolidation of duties in various offices brought into one, and in 1875 that was recognized by law; are you keeping the books at present just as they were kept previous to 1870?—A. The books are now kept precisely as they were previous to 1870, with certain changes and improvements added to give more detailed information, but the same general plan remains.

Q. Was a new set of books opened, or did you continue along on the old set in 1870 when these offices were, as you say, consolidated and made more efficient?—A. The same general class of ledgers was kept. There was no such thing as creating a new departure in plan or books. There were some improvements introduced in the books; but the general plan of appropriation ledgers, which is a very simple form of public accounts, has been preserved.

Q. Do you keep what is ordinarily known as a day-book and a ledger?—A. What is ordinarily known as a day-book is known in the Secretary's office as a "register"; in the other offices it is known as a "journal."

Q. And what is the ledger known as?—A. As a ledger.

Q. Are your books kept by what is usually known as double or single entry?—A. As far as the principles of double-entry bookkeeping are applicable they are applied to the Treasury accounts, the appropriation accounts being the impersonal accounts in double-entry bookkeeping.

Q. If the question was put to you in a general way whether double or single-entry bookkeeping was the system in the Treasury Department, and a categorical answer was required, what would be your answer?—A. I would answer that the Treasury system is a unique one; and while it applies all the principles of double-entry bookkeeping, the system might be termed a quadruplicate system of entries. I will explain that, if you please. When a public officer receives funds from the Treasury for disbursement, the amount is charged to an appropriation and the Treasury credited with its payment. The disbursing officer is charged with the amount advanced, and credited with his disbursements, requiring four independent entries to make one payment from the Treasury.

Q. I understood you that the Secretary's office, as now organized, is more general and more complete than it was previous to 1870?—A. The organization at present has brought all the duties of the Secretary's office under certain divisions.

Q. Do you consider it more complete in its organization than it was previous to 1870 or not?—A. I believe, as the office is now organized, that it is much more efficient than it ever has been before, so far as I am able to judge from the public records, while I have no personal knowledge of the way in which the public business was performed prior to 1869.

Q. When was the Register's office created?—A. By the act of September 2, 1789, organizing the Treasury Department.

Q. Is the Register what is known as the official bookkeeper of the government?—A. He is the official bookkeeper and keeps all accounts of the receipts and expenditures of the public money and of all debts

due to or from the United States, except as the law has since assigned certain duties to the Second, Third, Fourth, and Sixth Auditors.

Q. Does that change the Register from being the official bookkeeper of the government and the final custodian of all papers and warrants?—A. It gives the Second, Third, Fourth, and Sixth Auditors the duties of keeping the personal accounts of all disbursing officers under the War, Navy, Interior, and Post-Office Departments, and the custody of the records and vouchers therefor.

Q. Do I understand that the officers named by you are the custodians of warrants on which money is drawn from the Treasury?—A. The Register of the Treasury is the custodian of all warrants drawn on the Treasurer after they are paid.

Q. Can money be paid out of the Treasury in any way unless it passes through the Register's office?—A. It cannot.

Q. The Register, I understand, is the final keeper of all vouchers on which money has been drawn from or paid into the Treasury?—A. With the exception named. To illustrate: The Secretary of War makes a requisition in favor of an officer of the Army. The amount to be advanced to that officer is charged to him on the books of the Second or Third Auditor, as the case may be, and the requisition comes to the Secretary of the Treasury, who issues a warrant. That warrant is countersigned by the First Comptroller and registered by the Register, and becomes a voucher to the Treasurer in the disbursement of that much money; but the accountability for that money by the officer is rendered to the Auditor, and the Auditor, therefore, becomes the custodian of the accounts and vouchers for the disbursement.

Q. How is it with bonds? Can bonds be issued or redeemed without going through the Register's office?—A. The Register issues all bonds.

Q. Does he receive all bonds that are redeemed?—A. He finally receives them. After being redeemed by the Treasurer, and passing through the accounting office, they reach his office for final registration and for custody, unless they are destroyed, as the law now requires most of the public securities to be destroyed after redemption.

Q. Please explain how money by warrant is paid into and out of the Treasury. Take any example that you think proper, and give us the initiative step, and so on to the final payment, in your own way, the object being to get a full explanation of how money is paid into and drawn from the Treasury.

A. 1. A collector collects public money and deposits it in the Treasury or subtreasury of the United States, or in some designated depository, taking duplicate certificates of deposit.

2. One of these certificates he forwards to the Treasury Department, where it is charged to the Treasurer by a warrant covering the amount into the general fund, where, under the Constitution, it must remain until drawn therefrom in consequence of appropriations made by law.

3. When an appropriation is made by Congress the Secretary of the Treasury brings the amount on the books of his office, the Comptrollers and the Register, by an appropriation warrant, which directs the amount to be charged to the general fund and credited to the particular appropriation account designated.

4. The head of the department having control of the appropriation may now pay it out in two ways:

*First.* By making a requisition on the Secretary of the Treasury in favor of a disbursing officer, who must account for its disbursement to the proper Auditor and Comptroller.

*Second.* By a requisition on the Secretary of the Treasury based upon

an account adjusted by the proper Auditor and certified by the proper Comptroller.

*Note.*—The Secretary of the Treasury does not make requisitions on himself for payment of adjusted accounts of his department, and the Secretary of State does not make requisitions to pay settled accounts pertaining to his department, as the law provides that the Register of the Treasury shall furnish copies of such certificates of balances of accounts adjusted, upon which the Secretary of the Treasury issues his warrants.

5. Upon the requisition of the proper department, or upon a copy of an adjusted account of the Treasury or State Department, the Secretary of the Treasury issues his warrant on the Treasurer, specifying the particular appropriation to which the same is chargeable, which warrant is countersigned by the First Comptroller and registered by the Register and charged upon their respective books to the designated appropriation.

6. The Treasurer pays this warrant by drawing his draft on himself or other depositaries in favor of the payee of the warrant, which draft is registered by the Register and delivered to the payee.

7. The Treasurer sends the warrant with the draft, when paid and properly indorsed, to the First Auditor and First Comptroller and receives credit in his quarterly account for the disbursement of that amount of public money.

Q. Would you suggest to the committee any additional check by law that would make the system more perfect than you now have it in paying in and taking out money from the Treasury?—A. I think we should have authority of law to treat our unavailables as an appropriation account. These unavailables arise in this way: A public depositary becomes insolvent, and all public moneys in his possession become unavailable to the Treasury; there is no way by which the Treasurer may receive proper credit therefor and the depositary be charged except by an account known as "unavailables," which are reported in the Finance Reports in a distinct column. This is an innovation on the system, and if Congress would authorize the department to treat this as an appropriation account, and throw around it such safeguards as would prevent fraud, it would be great advantage to the system of public accounts.

Q. Is there anything else you would suggest in this connection?—A. In 1836 there was deposited with the States surplus revenue to the amount of \$28,101,644.91. This money now remains on deposit with the several States precisely as money is now deposited with any depositary, and is a part of the cash in the Treasury; and to this day this amount of money has to be carried on the public accounts among the unavailable items. I think the department ought to have authority to charge this off to the States or arrange it in some way, so that it can be taken from the cash account.

Q. Why should this be charged off?—A. It is troublesome to the department to carry this amount forward upon the quarterly statements, and it also shows the cash in the Treasury, as published in the Receipts and Expenditures, that much in excess of the actual available funds, while in the ordinary statements furnished from the department this sum is deducted, thus creating confusion and misunderstanding.

Q. You speak of unavailables; are they large? Can you give us the probable average per annum?—A. The whole amount since the commencement of the government to the end of the last fiscal year is \$2,661,866.53, excluding the amount deposited with the States.

Q. Can you give us what it was in 1860 as compared with the total amount?—A. Since 1867 we have diminished it. I have not got the additions since 1860.

By Mr. DAWES:

Q. What was it in 1867?—A. In 1867 it amounted to \$2,675,918.19.

By the CHAIRMAN:

Q. Can you fix what the amount was in 1860?—A. Yes, sir; in a moment [examining]. In 1860 these items amounted to \$1,749,579.64.

Q. What is the increase between 1860 and 1867 of the unavailables?—A. The increase was \$926,338.55.

Q. Do you know whether a letter was sent from the Secretary's office to the Register in 1870 directing the Register to change or alter the public debt statement?—A. I remember such a letter. It came to the Register and was by him handed to me, and I passed it to the chief of the division in charge of the statements referred to in the letter.

Q. Do you know whether the Register thought it or not a proper thing to do to carry out the instructions of the letter?—A. The Register objected very strongly to the change suggested in the letter, and my recollection is that he presented his objections to the Secretary.

Q. In person or in writing?—A. In person.

Q. Do you recollect the result of the objections?—A. I only know what Mr. Allison, the Register, stated as the result at the time.

Q. Now tell us what Mr. Allison stated to you at the time as having taken place between him and the Secretary?—A. My recollection is that about this time the subject of the change in the manner of stating these accounts was before the department, and whether immediately before or after the receipt of this order Mr. Allison communicated to me the fact that he had had an interview with the Secretary, and had given his views that these changes should not be made.

Mr. DAWES. I object to any statement by the witness of what Mr. Allison told him as having transpired between Mr. Allison and the Secretary.

The CHAIRMAN. I think it a proper question, as the investigation, in my judgment, was intended to be full and complete.

Mr. DAWES. I think hearsay testimony should not be received as part of the evidence before this committee.

The CHAIRMAN. I claim that this is not hearsay. A communication from the Secretary to the Register, as communicated to the witness, who was then the principal assistant to the Register, on this subject, is proper evidence.

Mr. DAWES. I do not object to anything which the Secretary communicated to the Register, but I do object to the views which the Register entertained on the propriety of carrying out the order of the Secretary. That is what the witness is testifying to.

The CHAIRMAN. I think anything that was told the witness by the Register is proper evidence. Any communication from the Register in his official capacity to the witness I think is proper evidence.

Mr. DAWES. To that I agree; but no part of the statement the witness was making, and to which I objected, was in any sense an official communication.

Q. (By the CHAIRMAN.) I now ask you to state what was communicated to you by the Register in connection with the letter received from the Secretary's office and the change in the public debt statement.—A. After the receipt of the letter he passed it over to me to be carried into effect. I do not know how long it was, but it was some time after the receipt of the letter.

Q. What else took place between you and the Register when the letter was handed to you; what was said between you and him at the time?—

A. Nothing more than his views in regard to the propriety of the order. That was about all.

Q. What did he say on that point?—A. I have stated, I think, that the Register had objected to that manner of correction.

Q. Were the tabulated statements of the debt, as formerly communicated to Congress in the Finance Reports, changed under that order and different amounts put down?—A. The statements were made in a different manner. They were not changed, but a different plan of stating the facts was used.

Q. Were the figures and the results the same?—A. No, sir; they were made on a different basis, by a different method.

Q. And brought out different results, or the same results?—A. They are different as to the amount outstanding at the end of any particular year.

Q. Take the statement marked "F" in the testimony before this committee and say whether the changes and difference between the figures are correctly stated in that statement from the Secretary and the Register, as they appear in the reports of 1870 and 1871?—A. In this statement I see the first column of the Finance Report of the Secretary for 1870 at page 25 represents the outstanding debt at the end of each year from 1832-'33 to 1870, inclusive. The second column shows the outstanding at the end of each year as taken from the Register's statement in the Finance Report of 1870 at page 276. The next two columns represent the Secretary's compared with the Register's, the first column showing the increase and the second the decrease. That increase represents the amount outstanding in one report in excess of the other report, and appears to be correctly taken from those Finance Reports.

Q. Was the Register's report changed between 1870 and 1871 as represented upon the right-hand column?—A. The Register's report for 1871 makes a different statement, showing a different amount outstanding for those years.

By Mr. DAWES:

Q. Different from what?—A. Different from the statement in the report of the year before.

By the CHAIRMAN:

Q. Was this different statement the result of the letter received from the Secretary's office?—A. It was.

Q. Are the amounts set forth in the increase and decrease columns of this table F the true amounts as to each year?—A. They appear to be the true amounts of the increase of one report over the other.

Q. Was there a careful and detailed examination made of the books of the Register's office from 1833 to 1870, inclusive, when these changes were made?—A. I understand that there was.

Q. How long did it take and how many clerks?—A. My recollection is that Mr. Saville asked the Register to detail two clerks from the office for this purpose to work on these statements in connection with other clerks in the Secretary's office, but how many were from the Secretary's office I do not know. I think they were at work less than a year.

Q. Did you yourself do the work?—A. I did not do this work, but afterwards went over it all, or it was all gone over under my direction and immediate supervision; that is, in making up this report as it appears in the Secretary's statement in the Finance Report for 1870.

Q. What books did you examine in going over it yourself?—A. The Receipts and Expenditures, in connection with all the other records of the office when occasion required.

Q. What office?—A. The Register's office.

Q. Did you examine the books of the Secretary's office also; in other words, was it from the books of the Secretary's office or those of the Register's office that you made your examination?—A. The books of the Register's office; and I used the printed books for more convenient use, the printed volumes of Receipts and Expenditures.

Q. That is, you accepted what you found in print as being correct, and did not go to the books themselves?—A. Not unless there was something to attract attention or making it necessary to go into an examination of the books and accounts.

Q. How long were you engaged in the examination of the years from 1833 to 1870?—A. As I said before, I did not make the examination, but merely verified the results by going over the same accounts after the statement had been prepared.

Q. Do I understand from this that you examined each item that went to make up the account, or that you took the footings as you found them upon the ledgers and in print?—A. As will be noticed here, there is a difference in the two statements, and my examination was to reconcile those differences. Where no difference existed, I did not go into an examination at all, because there was no necessity for it.

Q. In that examination, where you found a difference, for instance, take the year 1833, did you go to the records of the office and examine the warrants and each entry that entered into that year's debt statement to find whether the warrants and the books would agree?—A. No, sir. This statement is made by taking the receipts each year on account of the public debt, and adding the amount to the outstanding public debt for the previous year and deducting the payments made on the same account, the difference showing the outstanding public debt at the end of the year.

Q. What did you take these figures from?—A. Generally from the accounts as published and from the ledger accounts of the Register's office.

Q. Do I understand correctly that in this examination which you personally made you did not examine any of the warrants or issues of bonds or redeemed bonds, but took the printed statements and occasionally referred to the ledgers?—A. I took the amount of money that was received into the Treasury each year on account of the public debt, that is, receipts from loans, and deducted from that the amount of money paid for redemptions of loans, that is the system on which the Secretary's statement is made out. Where there was any discrepancy between that and the published account of issues and redemptions, which is the Register's statement, I then examined into the discrepancy. I found no occasion to examine into the accounts except where they disagreed. Where it appeared that the Treasurer had not paid out as much money in one year as the Register's statement showed to have been redeemed of the public debt, I examined in each instance to find the cause of the discrepancy. I examined down into the minutest detail of the whole transaction. Sometimes I would find a charge to one loan which belonged to another. That would cause in the accounts one to be as much in excess as the other would be deficient. I would examine into and see where mis-entries had been made in the accounts. In no other cases did I search down into the details.

By Mr. DAWES :

Q. Except where there was a discrepancy?—A. Except where there was some occasion for it.

By the CHAIRMAN :

Q. According to the statement before you, table F, every year, I believe from 1833 to 1870, differs; in no instance do the amounts agree in the statements of the Secretary and Register. That being so, to have gotten at the correct amounts, would you not have to examine every year and everything going to make up that year's work?—A. No, sir; because the rests at the end of the year are different under the two systems.

Q. Am I to understand from that that you have two systems by which you can bring out different results as to the total amount of the public debt?—A. We have different sets of books which at the same period do not show the same amounts outstanding on the loans at the same date.

Q. Had not these amounts stood and been accepted as correct by all concerned for thirty or forty years?—A. They had been taken as the outstanding amount of the principal of the public debt at the end of each year down to 1870.

Q. Do I understand that in 1870 you went back to 1833 and re-examined the debt statement for thirty-seven years, and changed each year as to the total amount?—A. Rather that the amounts were stated from 1835 or 1836 up to that period from a different set of books and in a different method.

Q. Take the year 1862; you find in round numbers the Secretary states the debt at \$524,000,000; the Register states it in the same report at \$514,000,000; making an increase of \$10,000,000. Am I to understand that the \$514,000,000 as it stood on the books from 1862 to 1870 was an error or was false?—A. The first statement by the Secretary's report shows \$524,176,412.13 outstanding at the end of 1862. The Register's statement shows \$514,211,371.92, or \$9,965,040.21 less than the Secretary reports as outstanding, which difference, while I have not the means at hand to analyze it, arises from two causes—

Q. I ask whether or not that was a false or erroneous statement?—A. It is correct from the standpoint that either is taken.

By Mr. DAWES :

Q. You mean according to the different methods of keeping the books?—A. Yes, sir.

By the CHAIRMAN :

Q. Do I understand that from the books as kept now in the department you may make two or more statements?—A. Yes, sir; two or more statements may be made to-day. If you should inquire to-day of the Register how much is outstanding on the 4 per cent. loan, he would probably not come within twenty millions of as much as the Secretary. On account of the immense subscriptions coming in the Register has not had time to get them on his books.

Q. From the organization of the government down to 1870 were or were not the debt statements kept in the way the Register stated it in 1870?—A. They were kept according to the issues and redemptions prior to 1870.

Q. And the examination that took place in 1870 changed the entire debt statement from 1833, and would have done it back to the organization of the government if you had gone back that far; is that so?—A. It would have given different results at different periods in the same way that it gives different results from 1836 down.

By Mr. DAWES :

Q. If it was all stated from one set of books it would have been uni-

form, and if it had been stated from two different sets of books it would have been different all the way through?—A. Exactly.

Q. And from 1870 it has been stated from one set of books and not from both; is that it?—A. From 1870 the two systems are yoked together, so that both finally present the same results.

Q. Then the books of each tell the truth at the time they purport to tell it, do they?—A. Yes, sir.

Q. One obtains the debt statements from the receipts and expenditures on that account, and the other from the face of the issues and the face of the redemptions?—A. Allow me to quote from the Secretary's reports for two years in answer to that question:

Secretary Fessenden, on page 7 of his report for the fiscal year 1864, states the amount paid into the Treasury previous to July 1, 1863, for which evidences of debt were subsequently issued, as \$23,782,423.20—

• You will see the difference on this statement F is \$20,000,000—

which was not included in the outstanding of the debt as published for the year 1863, but which is included in the statement by receipts and expenditures for that year.

Again the Treasurer redeems a certain amount of public debt in June, but the reimbursing warrants are not issued until after the 1st of July. In this case there will be less outstanding on the 30th June, on the "issue and redemption" account, by this amount, than on the receipts and expenditures account.

Here is an illustration of that:

Secretary McCulloch, on page 19 of his report for the fiscal year 1865, states that the amount of \$77,897,347.02 was excluded from the public debt for the year 1864, which amount had been paid out of the Treasury, but had not been reimbursed to the Treasurer by warrants until after the commencement of the next year.

The money had gone out, but it had not passed over the Register's books.

The outstanding debt, by these two accounts never can agree unless all issues are made in the same period in which the subscriptions are received, and reimbursing warrants issued in the same period in which the redemptions are made.

By the CHAIRMAN:

Q. You are quoting from the Sherman report on my resolution?—A. Yes, sir; this part of it being a memorandum accompanying the letter of the Secretary of the Treasury, prepared by myself.

By Mr. DAWES:

Q. I understand you to say that one method is keeping the debt account by the receipts on the one side on account of the debt, and the expenditures on account of the debt on the other side. Will you state a little more clearly and distinctly what that means, and how that differs from keeping the account by the face of the bonded debt itself?—A. A subscription is made the last of June to a loan; the money is covered into the Treasury in that fiscal year, and there is, therefore, according to the accounts of the receipts and expenditures, that much more outstanding on the 30th of June than shown on the issues and redemption account, as the bond is not issued until the next fiscal year. There will be a difference in the two accounts of just the difference between the subscriptions and the bonds not issued. Then, when a loan is being redeemed, the Treasurer pays out for redemptions for which he does not get a reimbursing warrant until after the fiscal year expires. That amount is taken off the debt statement in June, but does not pass through the accounts until the next fiscal year.

Q. Is there any such instance as would be illustrated by this statement? Suppose the government issues \$100,000,000 of bonds, but does



not realize to the Treasury over \$99,000,000 for them; in that case would there be any difference in the debt statement in the two sets of books?—A. There would unless the discount was taken into consideration. The Issues and Redemptions account would accurately show the amount outstanding, and the Receipts and Expenditures would show a difference.

Q. A difference of a million dollars?—A. A difference of \$1,000,000.

Q. Is there any case of that kind in these differences between 1833 and 1870?—A. There is a case of that kind in the loan of 1842, in which a discount of \$42,417.80 occurs. There is also in the loan of July and August, 1861, a discount of \$4,204,524.52. There are other instances of discount, which at the time of making up the statement were taken into account, and therefore do not show on the face of the statement. These two instances that I have given were not taken into the account when the statements were made.

By the CHAIRMAN:

Q. Would not that show that the system of Receipts and Expenditures was not the true way of keeping the debt account, but that it should be by Issues and Redemptions, taking the instances you have just given?—A. That is so much a matter of opinion that I hardly know how to answer it, except in this way: that the Receipts and Expenditures account can be as accurately and perfectly kept as the other account, if the accounts are kept with that object in view.

By Mr. DAWES:

Q. If it is, the one system is just as accurate as the other?—A. Yes, sir.

By the CHAIRMAN:

Q. You have stated that if the accounts were kept with a view to keeping them by Receipts and Expenditures, they would be as true as if kept by Issues and Redemptions?—A. Yes, sir.

Q. Were the accounts kept at that time in that way?—A. They were not so kept prior to 1870.

Q. Then they were kept by Issues and Redemptions?—A. Yes, sir.

Q. Did not the Issues and Redemptions show the true amount of the indebtedness of the government?—A. I believe so, in all cases except where errors crept into the statement, as they are liable to in any class of accounts.

Q. But as to the system of keeping the books prior to 1870, could not the true amount have been stated by Issues and Redemptions of the public debt at any time?—A. Yes, sir; just as well.

Q. I was inquiring as to the debt of 1862, before Mr. Dawes put questions. I now hand you the Finance Report of 1862, where there is a detailed statement made up by the Secretary of the amount of the debt, which makes it the same as the Register does [exhibiting report]. Is that a correct statement or not?—A. It is a correct statement, by the Issues and Redemptions, so far as it goes. There are one or two small loans omitted.

Q. Point out where it is defective, if you think proper.—A. The Mexican Indemnity Stock, \$1,104.91, is omitted; also the Bounty Land Scrip, \$4.275. These are all I notice.

Q. How much would those items add to the statement?—A. A little over \$5,000.

Q. Not wishing to consume time going over each report, I now hand you the Finance Report of 1869, and point to you the detailed statement of the debt as given by the Secretary that year. (Exhibiting.)

Will you tell us whether that agrees with the Register's statement? There is a detailed statement there of every item.—A. It does not agree with the Register's.

Q. In what particular?—A. The Pacific Railroad bonds are included in this statement.

By Mr. DAWES:

Q. And not in the other?—A. And are not in the other.

By the CHAIRMAN:

Q. Are you sure that the Register and the Secretary do not agree in 1869 as to the amount for that year? I do not mean as changed, but I mean in the year 1869, in the report of that year.—A. In the Finance Report for 1869, at page 29, the Secretary reports the debt at \$2,656,603,955.73. The Register, for the same year, at page 317 of the same report, reports the debt at \$2,489,002,480.58.

Q. I hand you the Finance Report of 1868. (Exhibiting.) There you find a detailed statement made by the Secretary of the public debt on page 69?—A. Yes, sir; I find in that report, at page 69, the Secretary reports the outstanding public debt at \$2,636,320,964.67.

Q. Did you find that the Secretary and Register agree or not?—A. The Register, at page 290 of the same report, makes the same amount outstanding.

Q. Then you find that in the report of 1868 the Secretary and Register agree as to the amount of the public debt, and in 1869 you find that they differ largely?—A. Yes, sir.

Q. Will you explain to us why it is that in a single year the Secretary and the Register differ so largely? In the detailed statements I have shown you in both reports of the debt, where the Secretary purports to give every dollar the Treasury owes, and names the loans and the amounts, they agree in 1868; but when you come to the 1869 report there is a difference of \$177,000,000 in round numbers, I believe. Can you explain why that is?

A. According to the Register's Report for 1869—

The outstanding public debt is reported at .....	\$2,489,002,480 58
Which is the amount of the debt less cash and sinking-fund in the Treasury. To which should be added the amount of cash and sinking-fund..	\$156,167,813 58
Less accrued interest.....	47,447,310 79
	<hr/> 108,720,502 79
Which added to the Register's Report makes.....	<hr/> 2,597,722,983 37

Q. How much does that leave unaccounted for?—A. That leaves all but the Pacific Railroad bonds accounted for, and they were included in the Secretary's report for that year.

Q. What is the amount it leaves unaccounted for in round numbers?—A. I do not think there is any difference, except in the Pacific Railroad bonds, which were \$58,638,320.

Q. Is it a fact, or not, that previous to 1869 the Secretary and Register in reporting the amount of the debt substantially agree?—A. I believe they do. That is, I believe the Secretary's detailed report and the Register's tabulated statement substantially agreed in all previous years.

Q. Since 1870, do the Secretary and Register substantially agree as to the amount of the outstanding public debt?—A. Yes, sir; with the exception of a very small amount of \$250, I believe.

Q. They agree, then, exactly except as to \$250?—A. They do.

Q. Then the changes and alterations that appear in the public debt were made between 1869 and 1871?—A. Yes, sir. You say “changes in the public debt.” They were changes in the reports, not in the public debt.

Q. Were or were not the figures as previously stated in the different Finance Reports from 1833 to 1870 stated in a different way in the report of 1870 by the Secretary?—A. They were.

Q. For each of those years?—A. The Secretaries differ in their reports. The Secretary for the year 1869 states the outstanding public debt of each year at a certain amount, and the Secretary at the time in his report stated the debt outstanding at the end of the same years somewhat differently.

Q. When are your reports made to Congress?—A. The Secretary's reports are placed before Congress at the first of the session, the first Monday in December.

Q. When does your fiscal year end?—A. On the 30th of June.

Q. How many months are there between the end of the fiscal year and the submission of the report to Congress?—A. Five months.

Q. Is it not usual to take the time between the end of the fiscal year and the making of the report to Congress, on the 1st of December, to arrange and adjust the accounts of the department so that they can be presented to Congress in a true way?—A. Yes; but they are never changed after they are balanced on the 30th of June, except in case of receipts, which account is kept open for thirty or forty days after the close of the fiscal year.

Q. In reply to Senator Dawes you stated that a transaction taking place on the 30th of June would go into that year, but if it took place on the 1st of July it would go into the next year. Are not five months sufficient time to complete any transaction in bonds that might take place, so that it could be properly entered in the year to which it belongs?—A. The transaction referred to could never be so adjusted, because the bonds were issued in one year and the money deposited in another. We never attempt to adjust the accounts in the way suggested.

Q. That being so, would not the Issues and Redemptions show the public debt more truly than the Receipts and Expenditures? When a bond is issued it is an obligation of the government, is it not?—A. It is.

Q. Would not the Issues and Redemptions show the indebtedness of the government more correctly than the Receipts and Expenditures?—A. The Receipts and Expenditures show the public debt outstanding with reference to the interest which it bears much more correctly than the Issues and Redemptions, for this reason: A bond bears interest from the time the money is deposited in the Treasury. If that bond is not issued for six months, the Receipts and Expenditures account would show the government is indebted in that amount, but the Issues and Redemptions account would not show it until issued. I am taking an unusual case merely to illustrate the matter, as so much delay rarely occurs in the issue of bonds.

Q. Please state how long it would take to examine carefully the debt and vouchers at the same time for a single year, say take the year 1866, so that you could tell whether or not there were errors in the details? How long would it take and how many clerks to go through that year or any year you choose?—A. It would not be feasible to examine the public debt for any one detached year. The result would not be satisfactory.

Q. The question is how long would it take, without regard to results?

—A. The examination of the debt for one year might necessitate an examination from the commencement of the loan up to that period and even afterwards. It would take four or five clerks one year at least.

Q. To do what?—A. To examine the debt particularly for one year, and for the reason, as I say, that the examination might necessitate going back to the commencement of each loan.

How long would it take four or five clerks to thoroughly examine the debt from 1860 to 1870 inclusive, in your judgment, to see whether there were errors in it or not, going to the bonds?—A. Going down to each transaction?

Q. Yes, sir?—A. And checking the accrued interest?

Q. Going into everything that is necessary to enable it to be known whether the true amount was stated from 1860 to 1870?—A. It would be difficult to give an estimate. I had under my supervision an examination made of the interest accounts from 1860 to 1870, and my recollection is that it took three clerks about one year. I should think that a complete examination of the public debt in detail could be made by four or five clerks in two years.

Q. Add to that the receipts and expenditures of the government, and how long would it take the same four or five clerks to go through them?—A. Four or five clerks would probably get behind about fifteen or twenty years in that time. They would run behind all the time.

Q. I am speaking now of between 1860 and 1870?—A. The vast transactions between those two dates would require, to enter into a detailed examination of the receipts and expenditures, a very large force.

Q. With a view to find errors, if there were any, how long would it take?—A. It would take more clerks than we have in the Treasury Department now engaged upon that same class of work, if I understand the question aright; that is, to examine the vouchers for the expenditures of all moneys from the Treasury between 1860 and 1870.

Q. I should like to have your approximate estimate on that point?—A. If the question means a reaccounting of the whole disbursements of the government—

Q. Going into the warrants and transactions of the government to show whether or not there were errors in the accounts?—A. To not go beyond the stated accounts as stated and certified by the Comptrollers, it would not be a task of much difficulty. It would take four or five years.

Q. For how many clerks?—A. With a corps of seven or eight clerks.

Q. If that be so, is it your judgment that Mr. Saville, in the year that you speak of, made a thorough examination of all the accounts of the debt and of the receipts and expenditures, so as to correct, as he did, the public debt and statements as well as the receipts and expenditures statements?

Mr. DAWES. You ask his opinion whether it could be done?

The CHAIRMAN. I ask whether in his judgment it could have been done.

Mr. DAWES. That is his opinion.

The WITNESS. There was no necessity of examining into every transaction.

Q. (By the CHAIRMAN.) That is not the question. I am simply asking whether in your judgment it was done?—A. He did not attempt that kind of examination that you speak of. He only made a statement from the face of the ledgers. On the face of the public accounts appeared certain amounts drawn from different appropriations. A statement from those accounts, tabulating the receipts and expenditures and

the public debt, was made up by the clerks referred to before, under Mr. Saville, and it is my impression that they did not go beyond the face of the books except where there was a suspicion that some wrong entry had been made, and that suspicion would only arise in cases where the balances indicated it.

By Mr. DAWES:

Q. And in those cases, what did they do?—A. They then made a thorough examination as far as the vouchers, warrants, and certificates permitted.

By the CHAIRMAN:

Q. Then I understand you that Mr. Saville did not pretend to make a thorough examination, so far as to examine the warrants and each entry, when he made these changes in the public debt and in the receipts and expenditures. Am I correct in that or not?—A. I do not understand the word "thorough" in that connection.

Q. "Complete," or anything you choose to put there—a full and complete examination?—A. A full and complete examination was made at the time.

Q. Of the warrants?—A. Of the face of the books. It was presumed that the face of the books properly represented the warrants as drawn, as the only authority for the entries on the books are the warrants themselves.

Q. Now, please answer the question whether or not, in your judgment, from the time that Mr. Saville occupied and the number of clerks under him, he made a full and complete examination of each entry with the warrants to see whether or not they agreed?—A. In my opinion he did not with the warrants, except in cases where the balances indicated something wrong, and then the examination was made.

Q. Were the Comptroller's and Treasurer's accounts examined at the same time?—A. To the extent of explaining discrepancies only.

Q. Then the same two clerks within a year examined the Treasurer's and the Comptroller's books also, did they?—A. No; I do not wish to be so understood; but the examination was of the accounts shown upon the books of the Register. The Register's books were taken. There are three sets of books, all of which ought to be the same; but the books of the Register were taken, and, unless there was some necessity or some suspicion of incorrectness, they never went further than those. In case there was any discrepancy, any uncertainty, I have no doubt they examined all the various sources of information they had at their command.

Q. Can you tell from your own knowledge whether the Treasurer's and Comptroller's books were examined at all?—A. I have seen evidence, as I re-examined and went over these accounts, of the fact that the Treasurer's books, especially in regard to the receipts and expenditures on account of the public debt, were examined in some instances.

Q. You confine it to the public debt?—A. Yes, sir.

Q. Do you know anything as to the receipts and expenditures?—A. I do not.

Q. You spoke a short time ago of the Pacific Railroad debt in 1869. Was the Pacific Railroad debt considered a part of the public indebtedness in 1869?—A. It is so reported in that report, under the head of "Statement of the indebtedness of the United States, June 30, 1869." On page 22 of the Finance Report for 1869 the item "Pacific Railroad Companies' bonds, \$58,638,320," is included.

Q. In 1869 in the detailed statement of the Secretary he includes in

the public indebtedness of the country the Pacific Railroad debt, which amounts to the sum just named?—A. Yes, sir.

Q. In the report of 1870 does he also include it?—A. It is not included in the report of 1870.

Q. It is dropped?—A. It is dropped.

Q. Ought or ought not that to have reduced the public indebtedness by the amount of the Pacific Railroad debt when it was dropped?—A. It would have reduced the aggregate of the report of the outstanding indebtedness.

Q. The aggregate of the amount given to the public in the report?—A. Yes, sir.

Q. It was dropped out that year and not considered a part of the indebtedness of the United States after that, but made an item by itself as the Pacific Railroad Companies' debt?—A. Yes, sir.

Q. Did dropping out the Pacific Railroad debt create any confusion in the accounts in any way?—A. None whatever, as that is a mere statement.

Q. It is a statement of the public debt as published by the Secretary?—A. It is.

Q. That is given as part of the public debt like any other bond the government owes; it is treated just as any other bond the government owes in the report of 1869?—A. It is.

Q. In the report of 1870 it has disappeared as part of the debt?—A. It is omitted in the statement of 1870, but is reported on page 46 of the same Finance Report.

Q. As a debt of the Pacific Railroads?—A. Yes, sir.

Q. On comparing the Register's and Secretary's statements, in the report of 1870, the Secretary appears to have increased the total amount of the debt \$94,000,000 in round numbers; that increase appears, though there were \$58,000,000 dropped out. If the \$58,000,000 had continued, the increase of the debt would have been \$58,000,000 larger, would it not?—A. It would, if he had included it.

Q. It was included in the report of 1869, but in 1870 it disappears. Ought not that to have reduced the public debt just to the extent of the Pacific Railroad debt?—A. It does not necessarily follow that the debt would have been that much less in 1870.

Q. There is an increase of the Secretary's statement over the Register's of \$94,000,000; add the \$58,000,000 and the increase would have been \$152,000,000, would it not?—A. Yes, sir; about that.

Q. That being so, if the Pacific Railroad debt had not dropped out, but had been kept in the statement as it appeared in 1869, the increase in the debt of 1870, as stated by the Secretary, would have been about \$152,000,000 instead of \$94,000,000, would it not?—A. I believe that is correct.

Q. Were those bonds in the Register's statement?—A. No, the Register never included them.

Q. What would have been the increase of the Secretary's statement over the Register's in 1870 if the Pacific Railroad debt were left there as it appeared previously; would it not have been \$93,887,428.09 plus the \$58,000,000 of the Pacific Railroad debt?—A. \$152,000,000 in round numbers.

Q. Can you state the object of dropping that \$58,000,000 from the Secretary's debt statement of 1870, when it had been treated previous to that as a part of the debt of the government?—A. Secretary Boutwell differed with Secretary McCulloch as to its being public debt, and therefore did not include it.

Q. And excluded it from his public debt statement?—A. Yes, sir.

Q. If he had included it, as had been the case in previous years, the debt of the government would have appeared \$58,000,000 greater than it did appear in 1870, would it not?—A. Yes, sir.

Q. You have furnished this committee from the Secretary's office and from the Register's office a number of statements as called for. Are they true transcripts from the books after the books had been examined, or are they made up from your footings or statements that you had previously made?—A. These statements are true transcripts from the accounts as shown upon the books, and were made up by using the printed accounts heretofore furnished as a check in the examination of them. I do not like to testify that every one of those statements was made up directly from the books, because it was not the most convenient way for us to have it, but we took the statements as they exist and compared them with the books, as far as the statements represent that they were taken from the books, some of the statements being made from the statements taken up from the books.

By Mr. DAWES:

Q. Wherever a statement purports to have been made up from the books you have verified it by comparison with the books?—A. Yes, sir.

By the CHAIRMAN:

Q. Do I understand that the statements furnished us have been made up from a re-examination of the books for the purpose of making those statements to us, or did you take the totals as formerly made up for the purpose of making your own statements to Congress?—A. We only took the totals on the books; we did not add them up again to see that they had been added correct. Every account had been balanced each year, each quarter, and each month, and of course we did not go behind that. After the accounts were once balanced, we did not go behind those balances.

Q. Some of them are made up from printed statements?—A. Some of them. We had not the results of the books. They are an aggregation of results.

Q. Here is a statement "receipts and expenditures of the government from 1860 to 1877 inclusive," that you furnished the committee. In making this statement did you re-examine your books for the years named, to have it made up, or did you take the former report of each year's work and tabulate them together?—A. These statements of receipts were compared with the books in every case. The expenditures were compared with the books in every case except in a few years under the miscellaneous, and they have been aggregated from the general accounts, as I explained once before that our miscellaneous are made up from a number of books. They are aggregated from a number of books consisting of Treasury proper, Interior civil, quarterly salaries, customs, internal revenue, and so forth.

Q. Do your different bureaus or divisions in the department at stated periods make comparisons to see whether their accounts agree or not?—A. Every month a comparison is made by the three offices.

Q. What three?—A. The Register's, Comptroller's, and Secretary's. The different bookkeepers in these offices compare one with the other. They do not each compare with both the other offices; but the comparison is made by the Register's with the Comptroller's, and the Comptroller's with the Secretary's. In that way we have a comparison as well as a balance of each of the books every month, and these are compared with the aggregates on the Treasurer's books, and at the end of every

quarter a complete balance of all the transactions for the quarter is made, which agrees to a cent in all branches of the department.

Q. When they do not agree, you make them agree?—A. No; they must agree.

Q. Do you ever find that they do not agree?—A. We do find sometimes that they do not agree, and then the bookkeeper makes an examination of his accounts to find where he has made his error. He has perhaps put down \$77 in the cents column, as was done in one of the bills of Congress that has just come to us. We find an appropriation that was intended to be made for \$77 was made for 77 cents. We often make errors of that kind in the Treasury Department, and they have to be corrected.

Q. You do that once a month?—A. Once a month.

Q. How long has that been the case in the department?—A. I judge it has been the case since the commencement of the government. It could not have been otherwise.

Q. Was it so previous to 1870?—A. I have no doubt it was.

Q. It was so when you first came into the service of the government in the Treasury Department?—A. Yes, sir; and I believe I have never known any discrepancy not to be corrected within the same year, except in one year I believe there was \$8 of a discrepancy, some thirty or forty years ago, which corrected itself in the course of a year or two.

Q. Then I understand that, from your information, since the organization of the government, once every month and every quarter all four of your offices or all three make this comparison?—A. Every appropriation is compared every month, and then there is a general quarterly account, which is the aggregation of all accounts.

Q. These offices are the Secretary's, the Register's, the Comptroller's, and the Treasurer's?—A. Yes, sir.

Q. And they have always been compared at the end of each month, and at the end of each quarter, and, I suppose, also at the end of each year?—A. They have, and, in addition, the cash account of the Treasurer is gone over by the accounting officers quarterly, in which every warrant is compared and checked.

Q. That is the case with receipts and expenditures, and is it also with the debt statement?—A. It is with receipts and expenditures.

Q. How about the debt statement?—A. The debt statement is a section of the receipts and expenditures.

Q. That is included?—A. It is included.

Q. That being so, how do you account for your being able in 1870 to go back to 1833 and make these different statements in amounts?—A. In reply to that I should have to explain how the discrepancies arise, how this occurred.

Q. Make your own answer.—A. An examination of these accounts in 1870 led to the discovery of certain irregularities and errors that had crept into former statements; and the purpose of making from the public accounts a uniform, consistent statement was the object of this re-examination. For instance, certain discrepancies arose from the statements of trust funds and unavailables. In the Finance Reports from 1842 to 1865 trust funds were regarded as specific appropriations and unavailable for general expenditures, and the balance on bond in the Treasury each year was stated exclusive of these funds. This led to so much irregularity in attempting to keep these accounts separate, that on the 30th of June, 1865, as will be seen by the Finance Report of 1866, at pages 2 and 32, these accounts were again consolidated by adding the balance in the Treasury on account of trust funds to the general balance,



and subsequent to 1866 the receipts and expenditures are stated including trust funds and all kinds of expenditures. It was for the purpose of making these statements uniform. At the time when this different plan prevailed this statement was made. For instance, in the statement of receipts and expenditures for the year 1862, the Smithsonian Institution fund, the Navy pension fund, and the Chickasaw fund, the trust warrants, the Chickasaw school fund, and the Navy hospital fund, were excluded from the receipts and expenditures in the statement. The restatement of these accounts includes them, shows them altogether in one account.

Q. You quote from the report made by Mr. Sherman, do you not?—

A. Yes, sir; having made this memorandum at the time I refer to it.

By Mr. DAWES:

Q. You made up the memorandum from which the report was made?—

A. Yes, sir; and I have used it to refresh my memory.

By the CHAIRMAN:

Q. Did you make the report that the then chairman of the Finance Committee submitted to the Senate in reply to my speeches?—A. No, sir; I prepared memorandum accompanying the answer of the Secretary of the Treasury.

Q. And he transmitted it to the Finance Committee?—A. Yes, sir; and the Finance Committee append it to the report.

Q. How do the amounts that you state—the Chickasaw and trust funds—affect the receipts and expenditures proper, or the public debt, or both?—A. The receipts and expenditures proper; I have not referred to the public debt.

Q. Then the explanation you have given us does not refer to the public debt?—A. No, sir.

Q. Can you furnish the data from which the changes of figures were made in 1870?—A. The statement was made up from the books of the department, but I do not know that there was ever any serious attempt made to discover in all instances where the former reports departed from it. For instance, in 1836 there was a balance in the Treasury of so much money. In that year we received so many receipts into the Treasury, and we added that sum to the balance, and we expended so much on account of the different departments; we deducted that from the amount available, leaving a balance in the Treasury at the end of that year. We proceeded year by year in the same way, so that the general account is a very simple and plain one, being merely an addition and subtraction for each year. Now, if any system of statements leaves out any of the elements or any of the items of those receipts and expenditures, it will differ from the one that is made from the total receipts and expenditures, and the table now furnished to this committee (the only demand on the Treasury was from 1860 down) intends to show every dollar that has been covered into the Treasury on all accounts, and every dollar that has been expended from the Treasury on warrants. There was no necessity for the accountants to examine the former statements at all. They took the results on the face of the books, which can be traced on the books to-day as well as they did then, and it is not very much of an undertaking to find these results, every one of them, on the face of the books, and check them. It is nothing more than a question of time.

Q. Were the data from which these figures were changed, that were used at the time, preserved, or were they destroyed?—A. I cannot say.

Q. How is the debt statement now made up; by the Register or by the Secretary?—A. In the Secretary's office.

Q. Does the Register make up the statement of the debt?—A. I believe not. I believe last year he omitted it from his report, but within the last year he reports the aggregate of the public debt by simply adding the amount of his receipts to the amount outstanding of the year before and deducting the expenditures. In the Finance Report for the year 1876, on page 599, the Register reports the receipts from loans and Treasury notes as \$404,375,368.90; and on page 603 he reports the expenditures on account of the public debt including interest. If the interest is deducted from that and the balance deducted from the other, it shows the increase or decrease of the debt for the year.

Q. I simply ask whether the debt, as it now appears on the 1st of July for the previous fiscal year, is made up in the Secretary's or the Register's office?—A. In the Secretary's office.

Q. Not in the Register's office?—A. Not in the Register's office.

Q. Was it made up in the Register's office previous to 1870?—A. I cannot say.

Q. You were in the Register's office; did you make up the public-debt-statement?—A. I did not make up the public-debt statement at that time.

Q. Previous to 1870, was it made up in the Register's office?—A. I cannot say that it was altogether made up in the Register's office, as there are certain loans of which the accounts were kept by the Treasurer and some in the Secretary's office and the majority in the Register's office. The result of this was a comparison between the different offices. I understand the outstanding debt prior to 1870 to be a result of a comparison of the different accounts in the different offices.

Q. Made up in which office?—A. In the different offices. The Secretary made up a detailed table.

Q. Previous to 1870?—A. Previous to 1870; and he received his facts to make that table from the different offices.

Q. From the first days of the government, from the time of Alexander Hamilton, were the debt statements made up by Issues and Redemptions?—A. By Issues and Redemptions.

Q. From the days of Hamilton, as Secretary, down to Mr. Boutwell's administration, they were made up by Issues and Redemptions solely?—A. Yes, sir.

Q. All the Secretaries between Hamilton and Boutwell made them up by Issues and Redemptions, and there was no break in the form of making up those public-debt statements, was there?—A. I believe not; I believe they were uniformly made from Issues and Redemptions.

Q. In your judgment, which is the most proper way to keep the public-debt statement, by Receipts and Expenditures or by Issues and Redemptions, taking in view such transactions as the Massachusetts payment, and the Eads payment for the jetties not long ago, where bonds were issued without any receipts going into the Treasury?—A. The most unreliable way of stating the public debt is by Receipts and Expenditures; the next more reliable way is by Issues and Redemptions; but the most reliable way, in my opinion, is, as it is now stated, by joining the two together, making one balance and check the other.

By Mr. DAWES:

Q. When was this last method adopted?—A. The last method commenced in 1870, and is still continued.

By the CHAIRMAN:

Q. In your judgment, was there a necessity for going back for thirty or forty years (as was done in 1870) to get the items for stating the pub-

lic debt in the way which you now think is the best way?—A. Yes; it could have commenced there, but not without going back and stating the account up to that date from some period when the public debt was commencing or where it could be determined with perfect accuracy. The statement, as furnished in the report of 1870, at page 24, is the approximation to that; that is, to furnish the basis for the commencement of this account in 1870.

Q. Now explain why you could not have assumed that the debt was a given amount in 1870 and commenced your system from there? In other words, why you could not have taken what the debt appeared to be at that day and commenced your new system?—A. The difficulty would be to tell what that day was when the two accounts could be brought together.

Q. Could you not have taken the year 1869 or 1870 as the basis and started from that, as well as to have gone back to 1833 and started from there?—A. The difficulty is to find a starting point at which both accounts would perfectly reconcile, and, considering the magnitude of this public debt account in 1870, it was simply impossible to determine that without making this examination from the commencement of each loan. Then in 1836 the accountants assumed from the best information at hand an amount with which they commenced, and to make that as small as possible they commenced in that year, noted in history as being the period when there was comparatively no public debt.

Q. Look at the report of 1871, at page 20, and state what the total receipts of the government up to June 20, 1871, were?—A. The total receipts received into the Treasury on account of loans were \$7,094,541,041.38.

Q. The net expenditures?—A. \$4,857,434,540.51, leaving a balance of \$2,237,106,500.87.

Q. State what the difference is between that and the actual amount of the public debt at that time?—A. The actual public debt was \$2,253,211,332.32.

Q. What is the difference between the actual debt and what it would appear to be on the basis of Receipts and Expenditures?—A. \$116,104,831.45.

Q. If Receipts and Expenditures were the true way to keep the public debt, ought not the difference between Receipts and Expenditures to have shown the actual amount of the public debt?—A. It should have shown the actual amount of the public debt plus the amount of loans or bonds issued for which no receipts came into the Treasury.

Q. You have said that it does not state the true amount of the public debt by \$116,000,000, in round numbers. What is the reason why it does not show the true amount?—A. On account of the loans that were issued and redeemed afterwards, for which no receipts came into the Treasury, and various items of discounts, premiums, and interest charged as principal.

Q. If that be so, Receipts and Expenditures alone would not show the actual public debt?—A. Not unless you add these items for which no receipts were received.

Q. How could you add them? In whose discretion could that be left; and why could not the man making up the debt, if he added one million, add two millions, if necessary?—A. The law must authorize the issue, and, like an appropriation, we take it as authority for an issue of bonds to the extent of the loan.

Q. The issue of bonds is not the question; it is keeping the debt now by Receipts and Expenditures. The law might authorize \$5,000,000 of bonds to be issued and only \$2,000,000 be issued; therefore you can-

not take the law always.—A. The present system, adopted in 1870, would require the accounting officers to state an account for the amount authorized by the law, which would pass into the Treasury as a receipt and be credited to the loan as a subscription.

Q. But that is assuming something; that is giving the accounting officers a discretion to assume. If Receipts and Expenditures were the true way to keep the public debt, why would not this statement show the true amount of the public debt?—A. Referring to my former answer, this is an evidence of the fact I stated, that keeping the accounts by Receipts and Expenditures only is the most unreliable form, and that by Issues and Redemptions the better; but to join the two together, so that one will correct and check the other, is the best system.

Q. By Receipts and Expenditures there are \$116,000,000, in round numbers, unaccounted for, according to this report. There is the Revolutionary debt, estimated at \$76,000,000, in round numbers. Could not that estimate have been \$86,000,000 as well as \$76,000,000?—A. That amount put in there as "estimated" is the amount which the present government assumed from the old government, \$76,000,000.

Mr. DAWES. Does the chairman mean by that question to inquire the data on which that estimate was made?

The CHAIRMAN. Certainly.

Mr. DAWES. If the witness knows what were the data I should like to ascertain them.

The WITNESS. It is a historical fact, and I believe the public accounts have heretofore fixed that sum uniformly at \$76,000,000. It was an assumed amount, and until the whole debt was paid it could never be determined how much was outstanding of these loans.

By the CHAIRMAN:

Q. Then you speak of Mississippi stock, the Louisiana purchase, Washington and Georgetown debt, United States Bank stock, six per cent. Navy stock, Texas purchase, Mexican indemnity, and then add:

In addition to the foregoing, the following amount is to be added, being composed of discounts suffered in placing loans, interest paid and erroneously charged as principal, and various errors in settling and stating loan accounts. All of these latter and the Revolutionary debt are now being investigated and will be explained in a future report in detail.

That amount is \$10,057,406.41, unexplained in any way except in the way I have designated. The changes of figures we have referred to in the debt statement took place in 1870. This report is that of 1871, which says that examinations are yet to take place to explain over \$10,000,000. Is it not a little singular that these changes, amounting to cents as well as many dollars, should have taken place a year before this examination was concluded, by which ten million was unaccounted for?

A. That ten million referred to there relates to discrepancies prior to 1836 in all cases; and in the Finance Reports of 1876, on page 18, a thorough examination brings it down to a discrepancy of \$942,433.83 "as unenumerated items, consisting of premiums and discount, interest, commissions, brokerage, &c., the full details of which can only be given when the examination of the accounts of the domestic debt of the Revolution is completed."

The final result of the examination, as it now stands, is shown on page 18 of this report. It has all been explained except that \$942,433.83, and the examination has not been brought further than that. The clerks have all been taken off this examination, as the reduction of force in the department does not enable us to continue the examination. We have but

one clerk who is on all this general detail of statement, and there has been nothing done on it for two years; but I would state that it may be found that some of these accounts have been destroyed in the fire of 1812 and subsequent casualties, by which the accounts of the department have suffered, but even to the very penny it is capable of explanation with that exception. What makes it so very difficult to explain some of these earlier loans is that on the first loan of the government, which took up the old debt and issued stock for two-thirds the amount of the debt at six per cent. and the other third deferred to 1808, the payment of interest was applied to the interest accrued and indents of interest were issued. The law authorizing the redemption of that, according to my recollection, provided for redeeming it in this way: Eight per cent. of the debt was redeemed every year. What was interest was first to be paid out of the eight per cent. and the balance to go to a reduction of the principal, and thus it makes one of the most complicated accounts possible, and it would take years of examination to get out that single account itself to determine what was interest and what was principal.

By Mr. DAWES:

Q. How old is the transaction?—A. The first loan of 1792.

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WASHINGTON, *April 5, 1879.*

JOSEPH T. POWER's examination continued.

By the CHAIRMAN:

Q. Resuming from yesterday, I wish to say that we desire to get along as rapidly as possible with the testimony and do justice to all. Yesterday we wandered to some extent. I will thank you to-day to come as near as you can, with justice to yourself and the questions you are answering, to categorical answers. Whenever a categorical response will answer the purpose of yourself, I trust you will answer in that way. You stated yesterday that the debt tabulated statement which appears in the Finance Report of 1870 from the Register and the Secretary was each correct but stated from different data, though there were many millions difference in some of the years. Did I understand you correctly in that respect?—A. The answer was that both statements are correct from the basis on which they are made up.

Q. You are aware that they differ in the neighborhood of \$100,000,000 some years?—A. I would add that I am aware that they differ a hundred millions some years, which difference might occur all within a few days.

Q. Could other statements be made from the same books and still be correct, though they differed in the total amounts?—A. It depends altogether on the class of statements and what they include. If they include the same items, and are brought within the same dates, they will agree. If they do not include the same items, and are not brought within the same dates, they cannot agree.

Q. The question is, ought a statement made by Receipts and Expenditures and one made by Issues and Redemptions to agree, or not?—A. When brought upon the same basis they will agree; but these do not agree at the same date.

Q. Does the monthly debt statement at the same date agree with either the Register or Secretary?—A. The monthly debt statement of July 1, 1869, shows the outstanding principal of the public debt to be

\$2,597,722,983.37, and the Register's report for the same year shows the outstanding debt to be \$2,489,002,480.58, which is the same, with the exception that the Register states his including accrued interest and less the cash in the Treasury, which is \$156,000,000 —

Q. My question was simply as to the fact?—A. They do not agree.

Q. The fact is that the Secretary's statement, the Register's statement, and the monthly debt statement of that date disagree?—A. They all three disagree.

Q. Then of the three statements made at the same date no two of them are exactly alike?—A. They are made for different purposes and include different items.

Q. The question is, is either of these three statements giving the gross amount of the debt alike in amount?—A. They are alike in amount for the items they cover. The total as furnished is different. If I say yes or no to these questions, I may give a wrong impression.

Q. Do these statements agree in amount as published and given to the country?—A. One of them is one thing and one is another thing.

Q. The question is whether they agree with one another, or not?—A. Then I want to change my answer and say that the monthly debt statement of July 1, 1869, agrees with the Register's report and not with the Secretary's report.

Q. There are three statements made for the same date, two by the Secretary and one by the Register, all of which differ as to the gross amount of the public debt. Is that so, or not?—A. The principal of the public debt?

Q. The gross amount of what is known as the public debt, what is known by the country as the public debt?—A. The Register's statement agrees with the monthly debt statement, and the Secretary's in his annual report disagrees in some respects.

Q. Then the Secretary in his annual report disagrees with himself in the monthly statement for the same date?—A. He does.

Q. To what extent in figures?—A. The Secretary in his annual report for 1870 states the outstanding principal of the public debt at \$2,588,452,313.94, June 30, 1869. The monthly debt statement was \$2,597,722,983.37.

Q. What is the difference in round numbers?—A. A little over \$9,000,000.

Q. You will notice in the statement before you, now in evidence, marked "F," that there was \$99,000,000 increase in 1869 and \$94,000,000 in 1870. Will you explain as briefly as you can what makes that great difference, what it is made up of generally?—A. It is made up of the cash in the Treasury, less accrued interest, less sinking fund, together with other minor differences of small amounts.

Q. Is that the explanation of both years?—A. In the year 1870 the sinking-fund is not an element of difference. The difference is merely occasioned by the cash in the Treasury, less accrued interest, with these small minor differences in the adjustment of the accounts.

Q. Cannot a correct debt statement be made from Issues and Redemptions exclusively for the years 1860 to 1870, inclusive?—A. A correct statement of all Issues and Redemptions can be made, no doubt, between those two periods by accurate and careful accountants.

Q. Could a correct statement of the public debt be made up for each year, beginning with the organization of the government and coming down to 1870, from the Issues and Redemptions alone?—A. Yes, sir.

Q. If the debt was kept by Receipts and Expenditures alone, how could you manage with such items as the Revolutionary debt, Mississippi,

Louisiana, Texas, Massachusetts, Eads' jetties, &c., where no receipts come into the Treasury ?—A. By making a book-keeper's entry under a title as "public debt for which no receipts come into the Treasury."

Q. Have such entries been made ?—A. Such entries have been made as the debt is now stated, in the case of several loans, one of which is the Texas indemnity. Other entries have been made of the same character, by having an amount stated under the law authorizing the expenditures, and this amount carried into the Treasury as receipts from that loan, as in the case of the issue to Eads of \$500,000, and in the case of the issue of the certificates of indebtedness of 1870.

Q. If you were called upon to make a statement of the public debt at the end of each fiscal year from 1833 to 1870, and had to make it from Issues and Redemptions or from Receipts and Expenditures, on which system could you make the most correct debt statement, confining it to either one or the other ?—A. I could make a much more accurate statement from Receipts and Expenditures, but it would not be so accurate as to the outstanding at the end of a particular year, but much more accurate in gross.

Q. Do I understand that you could not make a correct debt statement commencing with 1833 and coming to 1870 by Issues and Redemptions ?—A. I could do it.

Q. Would it be correct ?—A. It would be correct.

Q. Then do you mean that you could make a much more correct one by Receipts and Expenditures ?—A. The Issues and Redemptions would give a correct statement so far as the loan was concerned, but all cases of discounts and premiums would not be shown. The Receipts and Expenditures would show those.

Q. How could that affect the public debt ? Would you not owe the face of the bond, let the amount be what it would, no more and no less ?—A. Notes are considered loans and treated as part of the public debt—

Q. What notes ?—A. Treasury notes. They are frequently redeemed in fractions. The Issues and Redemptions would show the outstanding more correctly in that case ; but the Receipts and Expenditures would show the more correct amount as to the cash paid on a loan.

Q. Has the cash paid on a bond anything to do with the indebtedness of the government ?—A. The cash paid upon a note, a part of which has been destroyed and the indebtedness of the government thus canceled, shows that the government has not paid the face value of it, and therefore there is so much saved to the Treasury.

Q. Is it not a fact that, if the government issues a bond and gets fifty cents on the dollar for it or gets a dollar and a half for it, still the face of the bond shows nothing more and nothing less ?—A. In that case the Issues and Redemptions account would not show how much money had been received for it, but it would show how much we owed accurately, and when redeemed it would show that the whole amount had been redeemed.

Q. The question is not how much money comes in or goes out of the Treasury, the question is as to the public debt of the country. A bond issued by the government is a debt. If it takes but fifty cents to buy it or if it takes a dollar and a half to redeem it, that is a question of saving or loss to the government. I take it that your explanations go to show that the account could not be kept by Receipts and Expenditures, because then you would have to take money into account, while I am speaking of the debt of the government ?—A. I cannot answer that categorically.

Q. Answer it in your own way?—A. The debt would appear by discount account.

Q. Does discount account enter into the indebtedness of the country one way or the other, or is it the face of the bonds you issue?—A. The discount account shows the amount of an issue for which no receipts come into the Treasury; in other words, the receipts into the Treasury plus the discount account would be the face of the issue.

Q. My question was, whether the discount account showed the indebtedness of the government, or whether the bonds issued showed the indebtedness of the country?—A. Both will show it; it requires both.

Q. Explain how a discount account shows the indebtedness of the country when a bond has been issued to show that.—A. The bond also shows it in the Issues account.

Q. What does the public know about your premium or your discount account; they know your bonds, the total of which is the indebtedness of the country; but what do they know of the premium account on the bonds?—A. Both show the same thing.

Q. Explain how a discount account shows the indebtedness of the country when a bond has been issued for the debt. I am not asking how the books are kept in the department, but I want to know how the discount account shows the indebtedness of the country when a bond has been issued.—A. The bond account shows the indebtedness, and the receipts into the Treasury plus the discount account will also show it.

Q. If that be so, how is it that, when you made up in 1871 the receipts and expenditures from the beginning of the government, you were \$116,000,000 short, which had to be explained?—A. We were not short \$116,000,000.

Q. Will you take up the report of 1871 and see whether the difference between the actual indebtedness of the country at that date and the receipts and expenditures was not \$116,000,000.—A. [After examining the Finance Report for 1871.] This statement in 1871 is a balance account of the books, and does not show that that amount is short on one account or another, but that there is this balance which the Receipts and Expenditures account has not taken into consideration; that is, it has not come through receipts into the Treasury, and therefore requires to be explained by certain accounts in the nature of discount accounts.

Q. If they were on the books and kept as you have described to show the actual indebtedness of the country, how is it that they have to be brought into a separate table and explanation made of them?—A. Prior to 1870 there was no discount account kept of the loans, and hence there appear in the receipts and expenditures certain apparent discrepancies in the account.

By Mr. DAWES:

Q. How far back?—A. From the commencement of the government.

Q. Up to that time?—A. Up to that period; but from 1836 down, this re-examination of the accounts had in 1870 brought in all these matters to explain the two accounts.

Q. Brought them all in in their proper places?—A. In their proper places to reconcile the two statements.

By the CHAIRMAN:

Q. Mr. Dawes has repeated that these different items were brought in their proper places to reconcile the accounts. How do you know they were brought in in their proper places to reconcile the accounts? Is there not \$10,000,000 in that very statement unaccounted for "to be hereafter accounted for"?—A. In the report of 1870, on page 24, for the



year 1849, there is \$233,075 brought into the account on account of the war-bounty stock, of which there were no issues charged in the books. In the year 1851 there were \$5,000,000 brought into the account on account of the Texas indemnity bonds, no issues charged in the books, and \$303,573.92 for the fourth and fifth installments of the Mexican bonds, for which no issue was charged on the books. In the year 1854 there were \$9,900 war-bounty stock brought into the account, the repayment for which no expenditure was charged in the books, being the balance due of that loan and \$51.67 interest on old funded debt, also a repayment for which there was no expenditure charged on the books. In the year 1861 there was \$2,019,776.10 discount brought into the account on the bonds of February 8, 1861, which required to be charged to the loan. And in the year 1868 there was \$1,000,000 taken into the account, which should have been charged to the Navy pension-fund, on account of an error in covering it into the Treasury under the Navy Department in place of under the public debt. In 1869 there was \$1,000 added to the redemption of the loan on account of a donation made by a Mr. Peters to the government. The bond was canceled, and of course there was no expenditure.

Q. You still leave my question unanswered.—A. I have now given my answer to the first part of the question.

By Mr. DAWES:

Q. You state these things have been brought in. How do you know they have been? Do you know it from personal knowledge?—A. The table from which I quote shows that they have been brought into the account to make the balance.

By the CHAIRMAN:

Q. Now, as to the other part of my question?—A. There is not \$10,000,000 difference in the account after these items have been brought in.

By Mr. DAWES:

Q. How do you know the items were brought in in their proper place is the question?—A. From the statement which is taken from the books.

Q. And from personal examination of the books and reports?—A. I made personal examination of the books and reports, and my examination verifies the fact that they have been brought in just as they are stated in that table.

Q. The next part of the chairman's question is, Are there not \$10,000,000 unaccounted for in that statement?—A. According to that table there is \$10,000,000, with the exception of Mexican indemnity, which was explained before. That was excluded from the \$10,000,000.

Q. How much was there unaccounted?—A. The \$10,057,406.41 is an aggregation of differences.

Q. If the Mexican indemnity is accounted for it is not in the \$10,000,000?—A. I do not like to use the term "unaccounted for," as it might convey the idea that I meant that there was a deficiency in the Treasury to that amount of money. I mean that this statement in the Finance Report of 1870, at page 20, shows that in addition to the items given there are \$10,057,406.41 of unenumerated and unexplained items.

By the CHAIRMAN:

Q. Now read what the report says in regard to that \$10,000,000, and let it go down.—A. The report says:

In addition to the foregoing, the following amount is to be added, being composed of discount suffered in placing loans, interest paid and erroneously charged as princi-

pal, and various errors in settling and stating loan accounts. All of these latter and the revolutionary debt are now being investigated, and will be explained in a future report in detail.

Q. Suppose on account of the public debt a thousand dollars was paid into the Treasury for a bond and the bond was lost or stolen before being delivered to the party subscribing, what effect would that have on the account if it was kept by Receipts and Expenditures?—A. The Receipts and Expenditures would show \$1,000 owed by the government.

Q. And when a second bond was issued or given to the man who paid the thousand dollars in, would that show \$2,000 owing or not?—A. The Receipts and Expenditures would not show \$2,000.

Q. But the issues of the two bonds would show it?—A. The issues would show it.

Q. If bonds of any description and amount should in any mysterious way get upon the market without being paid for, would the Receipts and Expenditures show that fact, or would the issues and redemptions show it?—A. The Issues and Redemptions would show it, and the Receipts and Expenditures would discover the irregularity by showing the discrepancy in the two accounts.

Q. How would you know that a bond was upon the market or not by Receipts and Expenditures?—A. We would not know from the Receipts and Expenditures account alone.

Q. When bonds are sold as in 1860 and 1861 and 1862, for less than their par value, will Receipts and Expenditures, as the accounts were kept then, show the amount issued?—A. Not without taking into consideration the amount of discount suffered.

Q. Were the books kept in a way at that time that would show it?—A. No discount account proper was kept, but it is shown by the difference between the subscriptions and the receipts, one being the complement of the other.

Q. If you pay a premium on bonds when you redeemed them, will the accounts by Receipts and Expenditures show the exact amount of bonds received, or the exact amount of money you pay?—A. It will show both. A premium account has always been kept.

Q. Now explain in your own way, and with some little detail, how bonds are issued.—A. First, a subscriber to a loan makes a deposit with the Treasurer or any designated depository, for which he receives a certificate of deposit. He sends that certificate of deposit to the office of the Secretary of the Treasury, where it is compared with the return from the Treasurer or depository, and if found correct, that amount of money is covered into the Treasury by warrant on account of that loan and charged to the Treasurer, and on the authority of that certificate the Secretary issues an order to the Register to deliver a corresponding bond.

By Mr. DAWES:

Q. Now go right on in that connection and tell us all the accounts that are kept in the Treasury concerning that subscription?—A. The first account is kept by the Treasurer of receipts into the Treasury on account of the loan. The next in the Secretary's office in the Division of Public Monies, which keeps a detailed account of all such subscriptions, and also in the Loan Branch of the Secretary's office where is kept also a detailed account of each subscription and the bonds issued. The Register keeps an account of the issue and redemption of all bonds in his Loan Division, and in his Receipts and Expenditures Division there is also an account of the money paid into the Treasury on account of each loan.

In the Warrant Division of the Secretary's office is kept the account of the receipts into the Treasury on account of the bonds under each loan.

Q. Suppose this subscription to have been for \$1,000, will you be particular and state what is the form of entry on each book in each bureau, following that \$1,000 to the end of the transaction?—A. If the subscription was for \$1,000 it would be entered in the Treasurer's office or the office of the depository as a credit to the loan on account of a subscription and debited to cash.

Q. On one side of the ledger would be a credit of \$1,000 from this subscription; it would be stated in that way?—A. Yes, sir; the Treasurer keeps a general account; he would debit himself with so much cash received and credit the loan. In the Secretary's office, in the Division of Public Monies, that amount is credited as a subscription and charged to the depository. In the Loan Branch an account is also kept with the loan, showing the subscriptions and issues in detail.

Q. State the form of entry.—A. A detailed registration of each subscription and each bond issued thereon. In the Register's office the loan is charged with the subscription, and the subscriber is credited with the amount, as the Register keeps the accounts with the public creditor, and as long as the bond is outstanding it represents so much due from the United States to the holder. In the Warrant Division the appropriation is charged and the loan is credited with the amount of the bond. The loan is not credited until the bond is redeemed.

Q. There stands against the loan the bond until it is redeemed?—A. Exactly. These different entries are made all for different purposes in the different branches.

Q. In the Treasurer's account he charges himself with the cash; but what does he credit himself with, or does he stand debtor for the cash?—A. He stands debtor for the cash, and that cash goes into the Treasury. He does not get any credit for it until it is disbursed. The warrant covering this subscription into the Treasury charges the Treasurer with it on his general cash account.

Q. He gets that item balanced when he pays out that sum on a warrant from the Secretary for any disbursement?—A. Yes, sir.

By the CHAIRMAN:

Q. Let me see if I understand the process: A makes application for a \$1,000 bond, for which he deposits the \$1,000 and accrued interest, if any, with the Treasurer; the Treasurer issues a certificate for a \$1,000 bond which goes to the Loan Division of the Secretary's office. The Loan Division then orders the Register to issue a bond for \$1,000; the Register issues the bond; and does he deliver it?—A. He delivers it.

Q. He issues it and delivers it?—A. Yes, sir; but the seal is added to the bond and checked in the Secretary's office, before it is completed.

Q. Before it goes to the Register, or after?—A. After it goes to the Register. The Register and Secretary's office have to complete its execution; the Register signs it, and the Secretary adds the seal.

Q. Who is the last custodian?—A. The Register delivers it.

Q. And makes a registry of it?—A. Yes, sir.

Q. What check is there on the Loan Branch of the Secretary's office as to the amount of the bond that has been ordered by the Treasurer? In other words, if a bond for \$1,000 was subscribed for and the Loan Division gives an order for a \$2,000 bond, where is the check to prevent that \$2,000 bond from going upon the public?—A. If the order to the Register for the bond recites the certificate of deposit as a \$2,000 deposit in place of \$1,000, I believe there would be nothing to prevent the

bond being issued. There would have to be collusion to falsify the record.

Q. All in the same office?—A. Yes.

Q. An order comes from the Treasurer's office to the Loan Branch of the Secretary's office to issue a bond for \$1,000; the Loan Division directs a \$2,000 bond to be issued instead of \$1,000 bond, which the Treasurer directed to be ordered. That order goes to the Register, I understand. The Register issues a \$2,000 bond, and it comes back to the same office that ordered it for the seal; that office puts the seal on it and the bond then goes back to the Register for delivery?—A. That is the practice.

Q. Then there is no check outside of that particular office as to whether or not the bond was a \$1,000 or a \$2,000 bond?—A. I believe not.

Q. Now, suppose an order is given from that office—I understand it would be forgery—an order from the Loan Branch to the Register to issue a \$1,000 bond for which no money had ever come into the Treasury, but it was a forged order. The Register issues the bond and it comes back to the same office for the seal, and is delivered to whoever is named in the bond; is that the case or not?—A. It is.

Q. Then I understand, from the manner of issuing bonds in the department, that there is no check outside of the Loan Branch; that is, it does not go back to the Treasurer for him to see whether or not the money deposited and the amount of the bond agree?—A. No; it does not.

Q. How long has the present system of issuing bonds been in existence?—A. I cannot say how long; probably not longer than since 1869 or 1870; but I should like to add that I think most of the bonds issued before that were issued upon the authority of the certificate of deposit itself, or at least the certificate of deposit accompanied the order of the Secretary to the Register prior to that time.

Q. Was there any check then upon the Register if a certificate of deposit accompanied the order to the Register, and then the Register issued the bond?—A. The Register issued the bond, and he had the certificate of deposit, and if that certificate of deposit was genuine of course it would be a sufficient check against fraud.

Q. Did the Register then deliver the bond to the owner?—A. Yes, sir.

Q. Previous to that, then, there was no check upon the Register's office if he issued a larger bond than the certificate called for, or issued a bond without a certificate at all?—A. I think there was a check on the Register in the Secretary's Loan Division during the issues of the war; but in that matter I cannot speak positively.

Q. In what way?—A. I think that the registration of the bonds was kept also in the Secretary's office during the war the same as now.

Q. The order went through the Secretary's office, of course, but did the bond, after being ready for delivery, come back to the Secretary's office?—A. I think so in all cases.

Q. Are you sure of that?—A. I am not certain.

Q. Could you ascertain and let us know whether or not there is a record in the Secretary's office of the bonds issued between 1860 and 1870?—A. Yes, sir; I am positive that there is a record of the loans issued in that period.

Q. A record, I mean, after they were completed?—A. As to whether each particular bond was then sent back to be sealed as now I do not know.

Q. The check, then, was in the Secretary's office instead of in the Loan Branch?—A. It is in the same office.

Q. In your experience and judgment would it not be a decided improvement and an additional check of great value if the bond went back to the Treasurer for his verification or signature in some form before it was delivered to the owner?—A. Do you mean to have the order of the Secretary countersigned or checked by the Treasurer before reaching the Register?

Q. No, sir; but after the bond has been issued by the Register, if it went back to the Treasurer to see whether the bond corresponded with the amount of money covered into the Treasury and the order given for the bond? In other words, to let the Treasurer deliver the bond instead of the Register, he having received the money first?—A. It would add to the security in the case cited before by you. It would be a check on any such attempt to defraud, but I do not see any necessity for the bond going to the Treasurer to be delivered, as the same thing would be effected in the system as now applied to public deposits of money, in which, before money is covered into the Treasury, the certificates are always sent to the Treasurer to see whether they agree with his entries. The same system applied to the bonds issued would require the Treasurer to check the order to the Register to issue bonds.

By Mr. DAWES:

Q. Then you would leave the Register at liberty, if he wanted to commit a fraud, to make a bond larger than the order?—A. The check on him would be the Secretary's order as at present. He could not get the seal on the bond without sending it back to the Secretary's Loan Branch.

By the CHAIRMAN:

Q. Then one of the systems that you or I have named would be of great advantage in preventing a fraudulent issue of bonds?—A. It would.

Q. As I understand the present system, if the Loan Branch of the Secretary's office were to originate or increase an order for a bond, there would be no check except from that office upon it?—A. There would not.

Q. Now, as to the accrued interest upon a bond when thus purchased, how is that account kept, and is it kept separately from the amount received for the bond as principal?—A. It is kept separate in this way: A subscriber to a loan deposits the amount of the face value of the bond and the accrued interest. The certificate of deposit shows the total amount of both. That being sent to the Secretary, on which the bond is issued, the warrant covers the amount into the Treasury on that certificate and charges it to the Treasurer. The Treasurer reports the amount of the subscription to the Secretary's office to the Division of Public Moneys, where it is checked with the certificate of deposit.

By Mr. DAWES:

Q. Does he report it in two items, so much principal and so much interest?—A. He reports it in two items, and the report must compare with the certificate of deposit that comes from the subscriber.

Q. And that comes in two items?—A. Yes, sir; that is shown on the face of the certificate.

By the CHAIRMAN:

Q. That being so, ought not the Treasurer to be able to give us a statement of the amount of principal and interest, separately, that he

has received for any given year?—A. He should be able to do so as far as the subscriptions have been made with him.

Q. If they are made with anybody else, he would know? It all has to pass through his office?—A. It passes through his office, comes to him on a covering-in warrant. It might be very inconvenient to him to furnish a statement of that kind for many years back.

Q. If the interest account was kept separate from the principal account, it would be a very easy matter to run it up and say how much it amounted to, would it not?—A. Not being familiar with his manner of bookkeeping, I cannot answer.

Q. Do you know whether or not there are scratches, changes, or alterations, whatever you choose to call them, upon the books of the department; take the Secretary's office?—A. Scratches and mis-entries occur, I believe, in all systems of accounts, and the Secretary's office of the Treasury Department is no exception to that. A clerk may make a mis-entry at any time.

Q. Is that likely to follow from the day-book or journal into the ledger?—A. It would be in the journal or register.

Q. But it ought not be in the ledger?—A. No scratches or mis-entries should occur in the ledger.

Q. You keep what is known as a register or journal, and post from that into the ledger, do you not?—A. Yes, sir.

Q. And while scratches might appear upon what is ordinarily known as the day-book in business transactions, they ought not to appear to any extent in the ledger?—A. They ought not in the ledger, but sometimes scratches and changes in an entry appear for a reason that is altogether beyond the control of the clerk at the time it is made, as in this case: A warrant is issued and goes to the Comptroller, but for some reason he refuses to pass the warrant. That warrant has to be taken off the Secretary's books; and as frequently as such a case occurs, so frequently would a change be made in the books.

Q. In that case would it be a counter entry, or would it be just a scratch, a pen run across the entry?—A. A pen would be run across.

Q. But the figures ought not be scratched and new figures put in?—A. Different bookkeepers have different ways of correcting an entry.

Q. But if the warrant was rejected it would not be a warrant any longer and would have to be erased entirely, would it not?—A. Another one would probably be put in its place under the same number.

Q. But that would not be in the same man's name?—A. The name would also be scratched out.

Q. Is an account kept from which you could conveniently inform the committee of the amount of property sold by the War and Navy Departments from 1865 to 1868?—A. There is not, as prior to the passage of the act of July 15, 1870, the proceeds of sales were covered back to the credit of the appropriation that purchased the property, and, therefore, our Treasury accounts only show the amount of repayments back to the credit of the appropriations. Since that act such money is all covered into the Treasury and reported to Congress each year, in the estimates, as required by law.

Q. Previous to 1870 the property sold by the Navy and War Departments was credited to their appropriations and used by them. Could it be conveniently ascertained how much that was?—A. It would be impracticable to separate on our books that class of repayments from ordinary repayments of disbursing officers returning money to the Treasury. A careful report has been made by the War Department on

that subject a number of years ago, and published in Senate Rept. Com. No. 183, second session Forty-second Congress.

Q. As to the amount paid on account of the Freedman's Bureau, is that kept separate and distinct back to 1865?—A. Do you mean the amount appropriated for the Freedman's Bureau?

Q. The amounts paid on account of the Freedman's Bureau. The appropriations we can get, of course, but the amount paid from any source on account of the Freedman's Bureau?—A. There is no account on the books except under appropriations.

Q. The only accounts you would have of that would be the amounts appropriated by Congress?—A. Appropriated by Congress.

Q. How is the account of legal-tender notes and of fractional currency kept?—A. Legal-tender notes and fractional currency, when prepared in the Printing Division, are turned over to the Treasurer of the United States, where they are kept in his reserve vault and in the reserve account from which issues are made from time to time to replace the amounts redeemed, and the amount so issued from that vault is charged to the Treasurer by a warrant covering that amount into the Treasury. The receipts on account of that loan (as we treat all Treasury notes as loans) are received into the Treasury as an issue, and his redemptions for the same month are reimbursed to him. He gets his credit for his redemptions on his report, sending with it to the Register's office one-half the note and to the Secretary's office the other half, where his reports are verified by actual count. There is a separate counting in each office, and when found to agree a certificate for the amount is signed by a committee who witness the destruction of the notes. The Treasurer returns the certificate as his voucher for so much money expended on that account, which passes through the accounting officers. This is exceptional, as the magnitude of the issues and redemptions on these accounts renders it impracticable to treat each note as a separate voucher.

Q. The Register's name is on the notes, I believe?—A. Yes, sir.

Q. Does the Register ever see the notes?—A. Not until they are redeemed.

Q. Then a note issued, though it is signed by the Register, never passes through the Register's office?—A. That is, the notes bear the *fac simile* of the Register's signature.

Q. I understand that the Superintendent of the Printing Bureau delivers to the Treasurer direct the notes, legal-tenders or fractional currency when the latter was in existence. Do they pass through any other hands but those two?—A. They do not.

Q. They are ready for circulation when the Treasurer receives them from the Printing Bureau?—A. They are then ready for circulation.

Q. They are ready?—A. Yes; but they cannot be put into circulation legally until the Treasurer covers the amount into the Treasury; they are not money in the Treasury until covered in.

Q. Still they are in his possession and no one else has possession of them but the Treasurer, and he could, if he was dishonest, put them in circulation without making any further report about the matter?—A. There is no other check upon the immediate issue of these notes.

Q. They do not pass through the Register's office until they are redeemed and ready for destruction?—A. No, sir.

Q. Then are they registered in the Register's office, all that have been destroyed?—A. They are.

Q. And also in the Secretary's office?—A. Yes, sir.

Q. Are they destroyed in the presence of witnesses?—A. They are destroyed in the presence of a committee composed of one from the Sec-

retary's office, one from the Register's office, and one from the Treasurer's office.

Q. In your judgment is the check upon the destruction perfect, or not?—A. The system as now adopted appears to apply all the checks possible to the redemption of these notes.

Q. How long has the present system been in operation?—A. Since the issue of the legal tenders, the law providing for the manner of destruction.

Q. And the same as to delivery from the Printing Bureau to the Treasurer has been in existence since the act creating the two classes of notes, the legal tenders and fractional currency?—A. Yes, sir.

Q. And they pass through no other hands, I understand, as a check?—A. No, sir.

Q. If the Register and Secretary, in their tabulated statements of the debt in the Finance Report, and the monthly debt statements, do not agree at the same date, does that show that two or more statements may be made from the same books and yet all be correct?—A. From the same department and be correct.

Q. What do you mean by "department"?—A. From the same department, from different sets of books.

Q. Then, as the books are kept, two or more statements may be made and the aggregate of the public debt appear differently, and yet they all be correct?—A. Yes.

Q. Do you know of any authority of law that permits the Secretary to direct the Register to make changes of past administrations in debt or expenditure?—A. I know of no authority of law that authorizes him to make corrections of the books.

Q. Do you know of any leaves of any of the books being cut out and gone?—A. I do not.

Q. Do you know of any missing books in the Register's office said to have been stolen, or burned, or destroyed, in any way relating to the public debt?—A. I know of no important books. It has been rumored in the Register's office that some auxiliary books were destroyed or burned by a messenger.

By Mr. DAWES:

Q. When?—A. During the administration of Mr. McCulloch; but I never found any occasion to refer to any of those books in any of the examinations that I have ever made.

By Mr. INGALLS:

Q. That is a tradition or rumor prevalent in the office, that such a destruction did, at some time, occur through the negligence or design of some subordinate?—A. I believe it was a messenger who thought the books were of no value and destroyed them; but there is no missing record of the Treasury proper, or books of the department, except from the casualties of the fires of 1812 and 1833. Now and then there is a missing book, and yet the link is complete in some other office. It may be wanting in one office, but it can be supplied from another.

By the CHAIRMAN:

Q. You know of no such case in your knowledge?—A. I do not.

Q. I hand you a paper which I have not read myself, but I ask you to examine it and see whether it is correct.—A. (Examining) The paper handed me reads as follows:

It is claimed that the discrepancy in the Register's statement of the outstanding public debt of 1869 in Finance Report 1869, page 317, and Finance Report 1870, page 276, was caused by deducting the cash and sinking fund in the Treasury, less accrued



interest, from the total outstanding debt, and making between the Register's statement and the Secretary's statement in Finance Report 1870 a difference of \$99,449,733.36.

As the Secretary's statement in Finance Report 1870 of the outstanding public debt of 1869 is made up with the Pacific Railroad bonds *excluded* and the sinking fund *deducted*, and as these bonds were *not* dropped and the sinking fund was *not* deducted from the outstanding public debt of 1869 in Finance Report of 1869, the comparison between the Secretary's and the Register's statements in Finance Report 1870 of the outstanding public debt 1869 should be as follows:

Secretary's statement, Finance Report 1870 .....	\$2,588,452,213 94
Add Pacific Railroad bonds.....	\$58,638,320 00
Sinking fund.....	8,690,000 00
	<hr/> 67,328,320 00
Register's statements, Finance Report 1869 and 1870.....	<hr/> \$2,655,780,533 94
	<hr/> 2,489,002,480 58
Difference .....	166,778,053 36
Amount claimed to have been deducted from Register's statement of 1869.....	<hr/> 108,720,502 79
Difference .....	<hr/> 58,057,550 57

The statement as shown is a correct statement from the Finance Reports of the outstanding public debt for the year 1869, making a difference between the two statements of \$166,778,053.36, if the outstanding Pacific Railroad bonds be included.

Q. [Exhibiting table.] Look at this table and see whether it was prepared in your office or not.—A. (After examining.) It is the statement marked "Secretary No. 2," and was prepared in the Warrant Division.

The table was received in evidence and marked "Secretary No. 2," and is as follows:

## SECRETARY No. 2.

*Statement of the receipts, expenditures, and outstanding principal of the public debt, interest and premium paid, and the expenses of loans and Treasury notes, and refunding national debt, for each year, from 1840 to 1877, inclusive.*

Year.	Received from loans during the year.	Paid on account of loans during the year.	Amount added to receipts.	Amount added to expenditures.	Principal of debt at close of year.	Net increase.	Net decrease.	Interest paid.	Premiums paid.	Expenses of national loans.	Refunding national debt.
1850	\$858,496,837 88	\$14,431,350 00			\$58,496,837 88	\$858,496,837 88					
1860	20,776,900 00	\$14,431,350 00			64,822,297 88	6,315,450 00		\$4,177,314 62		\$4,322 34	
1861	4,967,700 74	18,143,000 00	1,622,019,776 10		64,822,297 88	23,738,546 94		17,100,173 76		14,846 73	
1862	530,692,460 54	98,098,922 00			530,692,460 54	423,598,538 41		17,100,173 76		507,318 07	
1863	776,682,381 57	141,669,622 07			530,692,460 54	598,598,728 50		24,739,848 61		1,792,148 96	
1864	1,128,824,245 97	432,822,014 03			1,119,772,134 65	698,012,221 04		53,085,431 69		1,042,127 87	
1865	1,472,224,740 85	607,361,241 68			2,690,671,960 74	964,968,199 17		77,397,712 09	\$1,717,000 11	5,657,117 71	
1866	712,851,553 05	600,361,241 68			2,773,236,178 99	92,368,363 85		123,067,711 69	58,470 31	2,960,636 00	
1867	645,426,910 26	735,534,964 11			2,618,136,163 87	\$95,110,060 82		143,731,591 91	10,431,443 38	1,796,568 58	
1868	695,111,453 20	692,549,685 88	\$1,000,000 00		2,618,136,163 87	96,438,293 68		143,731,591 91	7,001,151 84	2,017,822 43	
1869	228,474,496 06	368,254,298 13			2,598,452,913 94	23,235,637 25		130,694,242 80	1,671,025 05	851,314 11	
1870	268,768,523 47	396,503,670 05			2,480,672,427 81	107,770,796 13		130,694,242 80	15,904,556 60	2,702,485 13	
1871	305,047,054 00	405,007,307 54			2,359,211,322 32	127,481,095 49		125,576,585 93	9,016,704 71	2,490,912 26	
1872	314,931,017 00	223,696,359 54	9,550 00		2,253,251,328 78	19,980,093 34		117,317,839 72	6,055,998 73	2,898,463 64	
1873	439,272,535 48	422,065,090 23			2,234,482,983 20	18,768,325 38		104,750,688 44	5,105,019 09	1,478,569 53	
1874	387,971,535 48	417,377,422 80			2,251,690,468 43	17,207,475 29		107,119,815 21	1,386,073 55	20,359 07	
1875	397,435,868 00	449,345,979 40			2,224,384,531 95	19,405,826 48		103,093,544 57			
1876	348,871,749 00	322,985,424 05			2,190,395,067 15	51,880,464 80		100,243,271 23			
1877					2,205,301,392 10	24,906,324 95		97,124,511 58			
	8,883,429,873 04	6,694,421,558 73	8,358,794 19	2,065,716 40	2,205,301,392 10	2,815,149,973 61	604,581 77	1,608,650,149 92	58,738,167 73	32,438,462 37	3,091,809 86

a Outstanding.

b Discount on loan of February 8, 1861.

c Amount covered as Navy pension fund.

d Amount of bond of loan June 29, 1864, donated to the government by Peters.

e Discount on loan of July and August, 1861.

f Items of difference between loan account and receipts and expenditures account as to the outstanding of the temporary loan.

g Difference in the loan and receipts and expenditures account as to the outstanding of the temporary loan.

By Mr. DAWES :

Q. In the public-debt statement marked "F" in the testimony, does the statement made by the Register in his report contain precisely the same items which the Secretary's statement in the same report contains, or does one contain items that the other does not contain?—A. The Secretary's statement contains items that the corresponding statement of the Register does not contain.

Q. Does the statement of certain items in the Secretary's statement and the statement of the same items in the Register's statement agree?—A. They agree except as to the amount outstanding at any particular year. They differ in items as to a particular year.

Q. You have explained why at a given day of the year a statement of the same items in the Secretary's statement would differ from the statement of those items in the Register's statement. Will you state it again? Take a particular item and state to the committee why a statement of that item on a given day by the Secretary will differ from the statement of the same item on that day by the Register.—A. A subscription is made to a loan in June and the bonds are not issued until July. On the 30th of June the outstanding amount of this loan would be greater by this amount on one account than on the other.

By Mr. INGALLS :

Q. Greater by the amount of subscriptions?—A. By the amount of subscriptions for which bonds have not been actually issued on the 30th of June.

By Mr. DAWES :

Q. Because that item is not in the other account?—A. It is not.

Q. I ask you as to the same item in both accounts. If the Secretary has received the money for a bond in June and the bond is not issued till July, is the same item in the Register's account that is in the Secretary's?—A. When the same items are taken into consideration there would be no difference.

Q. Is there a single item, so far as you know, in the Secretary's statement of the public debt of any one year in table "F" which differs from the statement of the same item in the Register's statement?—A. There is not.

Q. Do these differences between the statements of the public debt as to each year all arise from the fact that there is some item in one that is not in the other?—A. They do.

Q. We are instructed to put a question to you, which I have not heard yet, and I will put it. Do you know of the alteration of any figure upon any book in the Treasury Department?—A. I do not, except to correct clerical errors.

Q. Do you know of the alteration of any amount as stated in any book in the Treasury Department?—A. I do not.

Q. Do you know of the alteration of any figure in the Finance Report made by this department in any year after it had gone out from the department?—A. No, sir.

Q. Do you know of the alteration of any amounts in any Finance Report issued by the Treasury Department after its final issue?—A. No, sir.

Q. Will you give us the law by which the Secretary of the Treasury is required to make any statement at all about the amount of the public debt in any preceding year? If you know of any such law, tell us what it is.—A. I do not know of any such law.

Q. Then is it true that the statement which the Secretary has made about what was the amount of the public debt in any past year, was a merely gratuitous statement on his part?—A. That was all, for information of the public.

Q. But not a statement required by law?—A. Unless it is in the general law authorizing him to report to Congress the transactions of his department.

Q. He is required to report, from year to year, the transactions of his department, is he not?—A. Yes, sir.

Q. But is he required to report, from year to year, what have been the transactions of his department in the years that are past?—A. No, sir.

Q. Then if he makes out a table of what has been done in the years past it is not a table that the law requires him to make in one way or another, is it?—A. It is not.

Q. We are required also to ask you if you know of any differences between the statement of the same item on different books in the Treasury Department. Is the same item stated to be one thing on one book of the department and another thing on another book of the department?—A. No, sir.

Q. Does the same item agree in all the books of the department?—A. So far as I know, it does.

Q. We are also required to inquire of you if there is any discrepancy standing on the books of the department between the statement of the same item in one book and the statement of that identical item in another book?—A. There is not, so far as I know.

Q. Will you state wherein since the year 1870 the tables of past transactions in the Treasury Department as to the public debt differ from the same statements in the reports made before that time?—A. The reports made before 1870, were made from the account called issues and redemptions of the public debt. The reports since have been made from the account known in the department as the receipts and expenditures.

Q. Do the differences between the present method of stating past transactions and the method of stating them previously to that year arise from discrepancies in the statement of the same items, or because one included items that the other did not?—A. Only because one included items that the other does not.

Q. Is there any difficulty in taking the two and eliminating the same items out of each, and comparing them, and showing whether they differ or not?—A. There is no difficulty at all except the magnitude of the work.

Q. How was the change in the method of stating the same transaction in past years made?—A. By taking the items from a different set of accounts.

Q. Taking the books and putting the same items together?—A. The same items precisely.

Q. In making these different statements since 1870, has a single figure been changed on the books of the department?—A. Not one.

Q. It is only a different method of putting together what the books state?—A. Precisely.

Q. Is the same true in relation to the statements of receipts and expenditures for past years?—A. It is the same, but receipts and expenditures have always been stated from what is called the receipts and expenditures account, the difference arising in them from a difference in stating, one by warrants paid, and the other by warrants issued. That is another class.

Q. But in making these different statements has there been a figure changed?—A. Not one.

Q. Could the statement since 1870 be reduced to the statement as it was previous to 1870, carried back to that same method, if the department chose?—A. Certainly.

Q. The books contain the material, then, for making the report since 1870 in precisely the same way it was made previous, if the department chose to make it so?—A. Yes, sir; unless there may have been some errors made at the time carried into the report; but they would of course be shown.

Q. For 1869 and 1870 you say the statements of the public debt by the Register and the Secretary are identical as to the same items; what item is in the Secretary's statement of the year 1869 that is not in the Register's statement of that year?—A. The Register for 1869 deducts the cash in the Treasury less the accrued interest.

Q. And the Secretary does not?—A. The Secretary does not.

Q. Does that make that difference?—A. It makes the difference, with the exception of the difference that exists between the different statements of the account; that is, by receipts and expenditures, or by issues and redemptions, which is a running difference.

Q. In the statement of the Secretary for the year 1870 those items are included, but not included in that of the Register?—A. Yes, sir; the Register includes the accrued interest and deducts the cash in the Treasury, and the Secretary does not; that is the only difference except \$426,399.88, which is the adjustment between the two accounts.

By Mr. INGALLS:

Q. That is an indefinite and unascertainable amount, as I understand you to say, because it depends on transactions that have not been consummated?—A. Yes, sir; it depends upon the different condition of the two accounts at the same time.

By Mr. DAWES:

Q. One has an item on it that the other has not.—A. Exactly, because it has reached one and not the other, together with some items of discount.

Q. In stating to Mr. Davis the difference between the method adopted by the Secretary and the method adopted by the Register of keeping the public debt account, you stated that the Secretary's was by the amount of receipts and expenditures on account of the public debt, and the Register's was by the amount of issues and redemptions, and you stated that the most perfect way of keeping the accounts was by yoking them together as had been done since 1870. Will you state to us what you mean by that term "yoking them together," which you said was the most perfect way?—A. Under the present system established in 1870, the Division of Issues and Redemptions reports at the end of every month the amount of the subscriptions to the loan or that they have ready to issue and will issue, and that amount of money is covered into the Treasury and charged to the Treasurer; also all redemptions made by the Treasurer are credited to that officer in the same month the redemptions are made, so that at all times the one account balances and checks the other. Prior to 1870 money was covered into the Treasury under one fiscal year and bonds were issued in another fiscal year. Under the present system the money is covered into the Treasury in one fiscal year and the bonds are issued as of that same fiscal year, although there may be at the end of the month (as there was at the end

of last month) a large amount of unissued bonds; but to keep the account correct the amount is charged to the Treasurer as of that date.

Q. In 1870, was an effort made to go back over all the books to ascertain what was the difference between the actual debt and the actual receipts and expenditures on account of the debt?—A. Yes, sir.

Q. In going over that examination, were any figures altered?—A. Not one.

Q. The accounts remain to-day as they were before that work was undertaken?—A. Precisely.

Q. You read from the Finance Report of 1871 that the difference had been ascertained, with the exception of about \$10,000,000, which would be explained hereafter when ascertained. What has been the result of the further examination?—A. The Finance Report for 1876, on page 18, gives the explanation. That difference is there fully detailed down to the item of \$942,433.83, which consists of unenumerated items, as premiums, interest, discount, &c.

Q. All these differences have been traced down to \$942,433.83, which has not yet been traced upon the books?—A. Yes, sir.

Q. Do you mean to say by that answer that somewhere, and in some account in the books, as heretofore kept, all these items, with the exception of the amount you have just stated, have been found?—A. Yes, sir.

Q. You stated heretofore that of the first loan there has as yet been found no trace of the difference between the face of the loan and the actual amount received from it?—A. Under the act of Congress of August 4, 1790, what is called the six per cent. stock and deferred stock and the three per cent. stock were issued to take up the domestic debt, and interest accrued thereon, of the Revolution, and the floating debt. That constituted the funded debt of that period. These loans were redeemed in such a way as to make it almost impossible to *exactly* determine the amount of interest and the amount of principal paid upon the loans, as the first payment was made by redeeming eight per cent. of the bonds, which paid the interest, six per cent., and two per cent. of the principal. This eight per cent. payment each year increased the amount of payment on the principal every year, and diminished the amount of interest. The principal payments were increasing each year, and the interest decreasing; so that that is one of the difficulties of investigating that particular loan, and illustrates the difficulties of accurately determining the amount paid for principal.

By Mr. INGALLS:

Q. Do the books show when that loan was extinguished?—A. It was extinguished about 1824, except the three per cents, which were not redeemed until 1835.

By Mr. DAWES:

Q. Could any other experts go over this same ground with the books now that was gone over by the Treasury officials before this change in the mode of statement was made?—A. They would find the same results on the face of the books.

Q. Every figure is there now that was when the work was undertaken?—A. Yes, sir.

Q. If the debt account had been kept solely upon Issues and Redemptions would it have disclosed whatever of discount or premium had been paid or received by the government?—A. It would not have disclosed the discount. The premium account is kept on the face of the books.

Q. But the discount would not have appeared ?—A. It would not.

Q. That is ascertained solely by the account of Receipts and Expenditures on account of the debt ?—A. That is the only account.

Q. The two put together enable you to state both the face of the debt and what has been realized from the debt ?—A. Yes, sir.

By the CHAIRMAN :

Q. Taking up the item just dropped by Mr. Dawes, I understood you to say that if the debt account was kept by Issues and Redemptions alone, as it had been previous to 1870, it would not appear what the discount was. If that is so, how do you get the discount ?—A. The discount and the amount received into the Treasury of any loan complement each other.

Q. Then it would show it ?—A. The Receipts and Expenditures would show it.

Q. I understood you to say that an account kept by Issues and Redemptions would not show the discounts but would show the premiums ?—A. No ; it would not show either.

Q. Do I understand from that that the manner in which the accounts were kept from Hamilton down to 1870 was an incorrect way and showed false annual statements ?—A. No ; by no means.

Q. Were they correct ?—A. They were correct, I presume.

Q. The debt was kept by Issues and Redemptions from Hamilton down to 1870, was it not ?—A. Yes.

Q. Was it kept correctly or incorrectly upon the examination you made ?—A. According to that system it was correct.

Q. Was or was not the amount from 1833 down to 1870 changed each year when you made the revision of the public debt in 1870 ?—A. The amounts were not changed. A different statement was made showing different results.

Q. A statement was made showing a different amount each year ?—A. Yes, sir.

Q. You stated in answer to Mr. Dawes that you knew of no law that required the Secretary to make a statement of what had occurred in the previous years. Was there a restatement made in 1870 of what had occurred ?—A. The report of 1870 shows a statement of the outstanding public debt prior to that time.

Q. Does that agree with the statement of the Secretary made each year in the report of the given year ?—A. It differs.

Q. Notwithstanding there was no law for it, I understand that in 1870 the Secretary did revise the debt statement made by former Secretaries from 1833 to 1870 and bring out a different result each year ?—A. There was a statement of the public debt then made which differs from the former statements in the various years.

Q. The Secretary each year from the beginning of the government down to 1870 had made a detailed statement of the public debt, had he not ?—A. Yes, sir.

Q. In restating the public debt in 1870, the amounts in the years were changed to a different amount when it was restated upon a different system as you say ?—A. I mean a statement of the public debt was made which differed in the different years from the former statements.

Q. I understood you, in answer to Mr. Dawes, to say that the books had not been changed and that the figures upon the books were the same now as they were previous to 1870. Did I understand you correctly ?—A. Yes, sir.

Q. Do you know that personally ?—A. I rather know the negative of

it. So far as I know, I have never known of a single change. They could not be changed to effect a purpose.

Q. Do you know of any alterations, erasures, or scratches that would change the amount in figures upon any of the books?—A. As fixed at the time the entry was made, do you mean?

Q. At any time.—A. The results on the books, as balanced each quarter or each year or each month, have remained the same as they are at present.

Q. That is not an answer to the question. The question was, do you know yourself of any erasures or alterations or changes of figures upon the books themselves?—A. I have seen where a wrong entry had been made, and it had been corrected, but that was a contemporaneous change in the entry.

Q. Was that made by a counter entry, or was it made by erasing a figure and placing another one in its place?—A. It was just correcting a blunder of the clerk.

Q. I am asking how it was made.—A. I should have to refer to the particular instance, which may have been one way or another.

Q. Have you not any in your mind?—A. I have none. I have seen cases where a warrant started from the Secretary's office, and was not granted by the Comptroller, and it had to be returned. In that case the entry was canceled. That is the only kind of erasures that ought to appear upon the books and that I know of on the books.

Q. Do you know that the total amount of currency and bonds now reported is absolutely correct?—A. As the amount outstanding?

Q. Yes.—A. I suppose there is not so much outstanding as is reported, on account of the losses. There cannot be so much.

Q. If a note is lost it is outstanding?—A. But as to the amount redeemed, I think the statement is correct. I do not know of any differences in the accounts.

Q. My question is, do you know whether the total amount reported of currency and bonds as outstanding is absolutely true, or not?—A. It is, so far as I know, with but very few exceptions. The public-debt statement shows the amount outstanding of the seven-thirties of 1864 and 1865 at \$149,500, which is \$5,500 less than the true amount. That arose from an error which occurred to the amount of \$5,000 redeemed in August, 1868, the settlement of which at that time was suspended, and having been reported by the Treasurer as having been redeemed at the time when these accounts were started in 1870, it was returned back again and has been redeemed since.

By Mr. DAWES:

Q. Was it entered on the book twice?—A. Yes, sir. The Treasurer reports it correctly, and the public-debt statement to that extent is incorrect.

By the CHAIRMAN:

Q. Are there any other inaccuracies?—A. There are a few, amounting to a few hundred dollars only. There is one in one case of \$20.

Q. How do you know that that account is correct as reported?—A. From the testimony of the record, the best light we have, and by a careful comparison of all the records to which we have access.

Q. If bonds or currency had gotten out fraudulently or improperly in any way, would you know it?—A. It would be shown in every case of an interest-bearing security, though fractional currency and legal-tenders might get into circulation after having been redeemed; that is, there is a possibility of such.



Q. How would you have known of the wrong issue of bonds; owing to the interest?—A. Interest is paid on coupon bonds by coupons which are registered in detail; and if there be more coupons presented than bonds issued, the overissue would be immediately detected.

Q. Does that come under your supervision?—A. No, sir.

Q. Under whose supervision does it come?—A. Particularly under Mr. Moore, of the Register's office. He keeps a complete detailed registration of coupon bonds.

Q. Who pays them?—A. They are paid by the Treasurer.

Q. Then the Treasurer would be more likely to know that fact than you would personally?—A. Yes, sir; but Mr. Moore, who has charge of the Note and Coupon Division of the Register's office, keeps this record.

By Mr. DAWES:

Q. Is it true that all the books of the department, including those of the Treasurer himself, are finally balanced once each quarter?—A. They are once, each quarter at least.

Q. And have been since the foundation of the government, as far as you know?—A. Yes, as far as I know.

Q. Have you ever known or heard of a single figure of those balances being changed since the balances were made?—A. I have never known a single figure being changed in any of the balances since they were first determined.

LEWIS D. MOORE sworn and examined.

By the CHAIRMAN:

Question. What is your position in the Treasury Department?—Answer. I have charge of what is designated as the Note and Coupon Division, and have had entire charge of it since April, 1866, but I was not in it from its organization.

Q. Have you a list or register of all bonds in existence in your office?—A. No, not what I would call a register of all of them. I only make my detailed register after they have been redeemed and come to me, but I get the scale numbers of all bonds for the purpose of making up my numerical registers. I get them from the Loan Branch of the Register's office from time to time, particularly where there is a new loan. I ascertain, as near as I can, waiting awhile, keeping the coupons for awhile before making out my numerical registers, and then make the best calculation I can of what the probable issue will be, and make my numerical register to correspond with my idea of what the issue will be.

Q. Your office, then, would not show the total issue of bonds outstanding?—A. No, sir.

Q. How does your office get the true amount of the bonds in existence upon which you redeem the coupons?—A. From the Loan Branch of the Register's office. The bonds go directly there first, and are signed there.

Q. You retain the coupons after receiving them from the Treasurer?—A. I receive the coupons directly from the First Comptroller on the settlement of the accounts of the various sub-treasurers and the Treasurer here.

Q. Then you receive them after they have been paid and redeemed?—A. Yes, sir. I make a schedule of them.

By Mr. DAWES:

Q. Do you have anything to do with the books of accounts of the Treasury?—A. No, sir; I keep a journal and ledger of everything that

is redeemed, and schedules of everything that comes to my division, besides the numerical registers.

Q. Have you any knowledge of the other books in the department except those?—A. No.

Q. Do you ever balance your books?—A. Yes, sir.

Q. How often?—A. I keep them up all the time.

Q. Is there such a thing as a balance-sheet in your office?—A. In settling up my books I carry my extensions to the ledgers.

Q. Do you know of any change of figures in your books by anybody?—A. Oh, no. I have had charge of them always; I started them.

Q. You have made no change of figures, have you?—A. None at all.

Q. You know of nobody else having made any?—A. No, sir.

Q. Of the amounts in your books?—A. Not a particle. Everything is as it has been put down.

Q. Do you know of any such change in any book in the department?—A. I do not.

By the CHAIRMAN:

Q. I understand you to say you know of none of the books except those in your office?—A. I do not know of any others.

By Mr. DAWES:

Q. Do you know of any discrepancies in the other books in the department, where one book states the same thing differently from what another book states that thing?—A. I do not.

Q. Do you know of any differences in the statement of the same thing on any book of the department, or on any different books in the departments?—A. I do not.

Q. Are there any such differences or discrepancies on your own books?—A. No, sir.

Q. You would not be likely to know what there is in other books?—A. No, sir.

Q. Have you any hand in preparing the Finance Report?—A. Not the least in the world.

Q. Have you any knowledge of any such alterations or differences in the Finance Reports after they had gone out?—A. No, sir. Where there has been any comparison, I keeping a detail of the whole thing, my books have corresponded with what purported to be other issues; that is, where they kept the Issues and Redemptions in other places.

JAMES GILFILLAN sworn and examined.

By the CHAIRMAN:

Question. What is your position in the Treasury Department?—Answer. I am Treasurer of the United States.

Q. How long have you been Treasurer?—A. Since July, 1877.

Q. What are known as "unavailables" in the printed reports?—A. They are moneys that have gone out of the Treasury for which the Treasurer has not been able to get a voucher acceptable to the accounting officers, drawn out either by defalcation or by any means, as failures of depository banks, for example.

Q. What is the amount named?—A. It is something over \$29,000,000.

Q. When does that date from?—A. From 1836. The largest item is the surplus revenue distributed to the States, which is about \$28,000,000.

Q. I understand there is about \$1,000,000 outside of the amount distributed among the States in 1836?—A. Yes, sir.

Q. Is that the entire amount of defalcations and failures of banks and other things since 1836—a million dollars?—A. I am not certain at what date the Comptroller declined to charge the amount to the Treasurer's account, and to the parties who were responsible for the defalcation. I think up to a certain time the accounting officers had permitted that, but Mr. Comptroller Tayler declined to do it any more.

Q. That must be of recent date if Comptroller Tayler was the first who did it?—A. It was. I see that the first after the distribution of the surplus revenue was from 1857 to 1869, in the United States Mint.

Q. How is the account of accrued interest upon bonds, when they are sold, kept?—A. Upon a bond sold to-day the party pays the accrued interest to to-day. That comes in as a credit to the interest account of the loan to which the bond belongs.

Q. Do you keep an interest account of each loan?—A. I do not.

Q. Who does?—A. The Register.

Q. You receive the interest as well as the principal, do you not?—A. Yes, sir.

Q. Do you separate the interest from the principal?—A. No, sir; we keep our accounts on the warrants of the Secretary entirely. We separate it in the certificate of deposit, which goes to the Secretary.

Q. If A buys a bond to-day of \$1,000 principal and \$10 accrued interest, are those two items kept separate?—A. Yes, sir.

Q. By you?—A. They are kept separate in the transactions by me.

By Mr. DAWES:

Q. All the way through, from beginning to end? Is there covered into the Treasury one sum of \$1,010, or two sums, one of \$1,000 and the other of \$10?—A. The public debt covering warrants, my impression is, includes both principal and interest, although they would be separate in the certificate.

By the CHAIRMAN:

Q. To put it practically, if you were asked to-day to furnish this committee with the total amount of interest and principal received last year in bonds which were sold, could you furnish it?—A. Not from the books, my impression is, without going through and taking the warrants and separating them.

Q. You understand that when the entry is made upon the books it is made in gross and not in separate entries, one of principal and the other of interest?—A. Yes, sir. The items of receipts are internal revenue, lands, war, and navy (which are repayments), and miscellaneous. The miscellaneous includes the public debt and other receipts except those before named, which would include principal and interest. I think that was what you requested of me in my statement.

Q. Which you said you could not furnish?—A. Yes, sir. It was said it could not be furnished as the books had been kept from 1861.

Q. Do I understand that your office cannot furnish this committee with the amount received on account of bonds, principal and interest separately?—A. It might be able to furnish the amount received at my office, but the receipts are all at sub-treasuries and depository banks.

Q. Do they not finally report to your office?—A. Yes, sir; but I keep my accounts under the law by the warrants of the Secretary of the Treasury. I get their transcripts of account, but it is a cash account.

Q. I understand from you that you cannot separate accurately the interest from the principal of the bonds?—A. I can for the future.

Q. But for the past?—A. No, sir; I mean that it is kept separate now. We could probably arrive at it by taking the warrants and going through them, but they were not entered on the books in that way.

Q. No separate account on the books was kept of principal and interest?—A. Of the receipts, no, sir.

Q. Can your office give the exact amount of bonds now in circulation?—A. No, sir.

Q. Can they tell me the exact amount of legal-tender and fractional currency in circulation?—Yes, sir, outstanding. Some might be destroyed and taken out of circulation, and yet be outstanding so far as the government is concerned.

Q. Can your office know when all the coupons of bonds that are in existence are redeemed? In other words, have you a check in your office upon the coupons when they are presented for payment?—A. Yes, sir; that is, since 1869, I think. Before that we had not.

Q. If you can check off the coupons, why can you not tell us how many bonds are in circulation?—A. Because there might be a great many coupons out that were not paid. If they all came in, I could tell; but they do not all come in.

Q. I am not asking whether all the coupons come in; I ask you whether you know when a coupon comes to you that it belongs to a bond, and whether you have a record by which you can check it?—A. Not the number of bonds outstanding; I never could do that.

Q. Then you might, so far as your office is concerned, pay coupons of duplicate numbers, or a greater amount of coupons than were out?—A. If they were genuine coupons.

Q. How would you know whether they were genuine or counterfeit—on the same principle that you know whether a note is a counterfeit or not?—A. Exactly.

Q. But you have no means of knowing whether a bond has been fraudulently or illegally or wrongfully gotten into circulation or not?—A. Unless in the case of registered bonds, which are caveated, and we might have been notified; but we never should be notified of that, because it is not necessary.

Q. Tell us briefly how bonds are issued, and what connection you have with them when they are issued.—A. I have simply connection with subscriptions made at the Treasury in Washington. A person calls and deposits money in subscription to any loan, and the Treasurer issues his certificate of deposit in duplicate. The duplicate is given to the depositor, the original is sent to the Secretary of the Treasury, and on that the issue of the bond is authorized, and the money covered into the Treasury to the credit of the loan.

Q. How does the certificate get to you, and what do you do with it?—A. I issue it as a receipt for the money.

Q. But how does it get to you—through what office?—A. Through no office. The man brings his money to the counter, and I give him a receipt for it.

Q. What does he do with that?—A. He holds that as a receipt for his money.

Q. How does he get his bond?—A. It is sent to him.

Q. By whom?—A. By the Register.

Q. How does the certificate which you have given get to the Register? Through what office does it go?—A. I simply send it to the Secretary of the Treasury.

Q. To what bureau in the Secretary's office?—A. The Loan Division of the Secretary's office.

Q. Do you see that certificate or the bond again?—A. No, sir; I never see the certificate or the bond unless in case of four per cent. bonds. They are often sent to this office for delivery to those who subscribe here.

Q. Do you keep a record of them?—A. Yes, sir.

Q. Of such as you get?—A. Yes, sir.

Q. How do you know that a bond is issued for the same amount that you give a certificate for?—A. I have not any knowledge of the transaction after having given the receipt.

Q. If A applies for a \$1,000 bond and pays you the principal and accrued interest, you give him a receipt for that \$1,000. That then goes to the Loan Division of the Secretary's office, as I understand, and the Loan Division issues an order to the Register to issue the bond?—A. Yes, sir.

Q. The Register issues the bond, and does what with it?—A. Transmits it usually to the subscriber, to the depositor.

By Mr. DAWES:

Q. Before he does that, does he not send it to the Secretary?—A. This present loan, as I understand, goes back to the Loan Division of the Secretary's office. A part of the process is then completed; I think putting on the seal and an initial.

By the CHAIRMAN:

Q. That is the same office that gave the order for the bond?—A. Yes, sir. Whether they send the bonds or not I am not certain.

Q. Do you consider that a very safe way, or is it your judgment that there ought to be further checks upon the issuing of bonds?—A. As a matter of fact, the original intention of the Treasury system, I suppose, was that the Register should issue bonds directly upon the Treasurer's receipt or the receipt of some assistant treasurer of the deposit of money in the Treasury.

Q. The question is, do you consider that as well guarded as it ought to be in regard to the issue of bonds, or can you think of any additional guards?—A. I think it would be better, if it is possible, to arrange the business in that way that the bonds should be issued directly upon the certificate of deposit. That I would consider an improvement, unless there are some details of the system that would not permit it.

Q. What would be the effect as to an additional check, if the bond before it was delivered had to pass through your hands again for signature or in some way to verify that it was for the same amount that you had received in money?—A. That would do well enough for my office, but the certificates from all sub-treasuries and all national bank depositories do not come to me at all; they go direct to the Secretary.

Q. Do they not go through some sub-treasury?—A. Each assistant treasurer receives deposits as I do. He transmits his original certificate to the Secretary as I do.

Q. Could they not go through the same party that issued the certificate for the purpose of showing whether the amount of the bond agreed with the certificate as sent on? Would not that be an additional check?—A. That would be a check. It would be expensive, of course. It would make two shipments by express necessary, probably.

Q. I do not understand how it would do that.—A. It might involve that. A great many of the deposits are made at this office, and at New York from parties at a distance by check, which is collected before the certificate of deposit is issued. In my case, as to bonds that come here, I might be able to deliver them directly to the depositor here, or

it might be a depositor in some distant place. Take the assistant treasurer in New York. In the same way we should first send the bond to him and he might be compelled to transmit it to some party outside of New York City. Of course he would be obliged to do it by express, probably.

Q. It would have to go through the same party who held the certificate, let that be who it might?—A. Yes. It would cost one transportation to the sub-treasurer, and then one from there to the depositor, if the depositor lived outside of the place.

Q. Leaving out of view the cost of second shipment, would it be an additional check and an improvement on the present system?—A. I do not know that I am prepared to give an opinion on that question.

Q. Is there anything other than the integrity of the officer to prevent the Loan Division, if it receives a certificate from you of \$1,000, directing the Register to issue a bond of \$2,000?—A. I do not know that there is, of my own knowledge.

Q. Is there any check upon the Loan Division from making an order upon the Register to issue to A a bond of any given amount?—A. Not that I am aware of.

Q. How long has the present system of issuing bonds been in practice?—A. I think ever since there has been a Loan Division. I know it was so in Mr. Boutwell's time.

Q. Was it organized in Mr. Boutwell's time upon the present system?—A. Yes, sir; I believe it was. One reason for the continuance, if it was in existence before, was that in the time of the syndicate they would get certificates for a large amount, say \$100,000,000; I think the first certificate on which the first call of 5-20s was based was for \$100,000,000. Of course the syndicate did not want \$100,000,000 bonds issued at once, so they held the \$100,000,000 certificate of deposit in the Secretary's office and directed the Register from time to time to issue bonds upon the basis of that certificate. Whether that was the beginning of the system or not I do not know, but it extended back to the time of Mr. Boutwell certainly.

Q. How was it previous to Mr. Boutwell, do you know?—A. My impression always has been that the certificates of deposit went directly to the Register, and that he issued bonds on the faith of the certificates.

By Mr. DAWES:

Q. By whom is the order from the Register to the Loan Division signed?—A. I suppose by the chief of the division.

Q. Not by the Secretary?—A. I think not.

By the CHAIRMAN:

Q. Are bonds issued without money being paid for them at the time they are issued to the syndicate, or banks, or any one else?—A. That I do not know, of my own knowledge, but I suppose they are issued on the deposit of collateral under the present system.

Q. Do you issue any from your office before the money is covered into the Treasury?—A. No, sir; but a bank will make a certificate of deposit upon which no bonds will be issued until it has either paid the money into the Treasury actually, or has deposited United States bonds in the Treasury as security.

Q. Do your books and those of the Secretary, Register, and Comptroller always agree?—A. I do not know whether they do or not. I suppose they do, with the exception of the time. They might not at any particular definite period, as the business never ceases.

Q. My question would be this: The fiscal year closes June 30, and

you make annual statements to Congress about the 1st of December, five months having elapsed; ought not the different offices, having that much time, to have gotten in anything that was out? Ought they not to agree when the report is made to Congress?—A. I suppose those accounts ought to agree.

Q. Do you compare with those different offices at stated periods to see whether your accounts agree?—A. I think not. At the close of a quarter we are notified of the last number of the warrant in the quarter, and we close on that; and they are all notified in the same way. The warrants pass through all the offices, and the bookkeepers understand that that number is the last warrant of that quarter.

Q. How often do you count the cash in the Treasury?—A. We do not count the whole of it at any one time. We do not have any regular period of counting. We always count each teller's and each vault once a month or oftener. We cannot say that on the 10th of the month we will count the cash, because that would be useless.

Q. Since your connection with the office have you counted the cash at any time and found any difference between what was actually on hand and what ought to be from the books?—A. No material difference.

Q. How do you get legal-tender notes that are in circulation?—A. From the Printing Bureau; that is, they are delivered to the office by the Printing Bureau. They go into what is called the reserve of United States notes, which is kept in a vault by itself; that is, the stock of finished notes on hand which have not been taken up into the cash as issued, although they are complete.

Q. They are complete when they come to you from the Printing Bureau?—A. Yes, sir.

Q. What check do you know of in the Printing Bureau on legal-tender notes getting into circulation before they reach you?—A. I do not know of any check except what is kept in the Secretary's office. He has a division which has the proper account, the issuing of paper to the Printing Bureau, and also has a report daily from the Treasurer of the United States of the notes delivered to the Treasurer.

Q. Do you know of any check upon the Printing Bureau, if they were dishonest there, to prevent them from putting legal-tender notes or fractional currency when it was in use, into circulation?—A. This division is intended as a complete check against an over-issue or fraudulent issue.

Q. Which division?—A. I think it is the currency branch of the Loan Division of the Secretary's office.

Q. Do you give a receipt for the amount you receive from the Printing Bureau?—A. Yes, sir; by denominations after actual count.

Q. Actual count by yourself?—A. Yes, sir.

Q. Then you must account for the amount you receive from the Printing Bureau?—A. Yes, sir.

Q. At your discretion, then, are the notes put in circulation?—A. Under the law the amount of outstanding legal-tender notes is fixed. Whenever we destroy any notes, in order to keep the amount outstanding at that point, we issue an equal amount.

Q. Are you to designate when a note is unfit for further circulation, and issue a new note? Is that discretion left with you?—A. Yes, sir.

By Mr. DAWES:

Q. Does the new one bear the same date of the old one in whose place it is put?—A. No, sir. We are issuing to-day the series of 1878, and each note is an issue of the series of 1878, whatever might have been the series of the note which was retired.

By the CHAIRMAN:

Q. And your numbers keep on regularly?—A. Yes, sir; we issue them in numerical order.

Q. No matter what you redeem?—A. Yes, sir.

Q. Do your amounts that you put in circulation always exactly agree with those you take up?—A. Yes, sir.

Q. What becomes of a note from the time you consider it unfit for use until its final destruction?—A. The money for redemption is first counted, then it is canceled, then cut in two parts by packages, if it is United States notes, lengthwise; one half of the package is sent to the Secretary's office, the other half to the Register's office, and they count the halves. If their counting of the halves agrees with the Treasurer's count of the whole notes, it is certified to a committee which puts it into the macerator and destroys it.

Q. How long has the present system existing between yourself and the Printing Bureau and this mode of destruction been in existence?—A. This has been the system from the beginning, as to the destruction, and the system with the Printing Bureau since the establishment of the bureau.

By Mr. DAWES:

Q. How often are your books balanced up? What method have you of determining the accuracy of the bookkeeping in your office?—A. The office is really two-fold, one having the same function as a sub-treasury; that is the local office, which keeps the account of the receipts and payments at this point; and the other the general cash account of the government with the sub-treasuries and the depository banks.

Q. Take the general supervisions of your office, without regard to its sub-treasury functions, and state briefly what test you apply to your books, and when they are balanced?—A. The general account of the office is this: We keep an account with every sub-treasury and every depository. We get a transcript from them, either daily or weekly, to verify their reports of their cash with our books; with the national banks, every week, when they render their transcripts; with the assistant treasurers, every day, when they render theirs.

Q. With what books in the other bureaus or divisions of the Treasury Department are they compared?—A. We render a quarterly account of drafts issued and paid.

Q. In the nature of a trial balance as between you and them?—A. Yes, sir; the account is in the name of the United States in account with the Treasurer. The United States is credited with the balance from the last quarter, and with all the receipts during the quarter, and is charged with all the payments during the quarter. That goes to the First Auditor, who keeps a similar account; to the Comptroller, who really settles it, who certifies to it; and to the Register, by whom the books are kept.

Q. Then once a quarter the test of accuracy is applied to your books and the Register's, the Comptroller's, and the Auditor's?—A. Yes, sir; at any rate the Register, Comptroller, and Treasurer.

Q. Has that always been the rule?—A. I think that has been the rule from the beginning. I think that is the Hamiltonian system.

Q. After this quarterly process with the books, do you know of any figures or amounts or sum totals in those books having been altered?—A. I do not.

Q. Do you know of the existence in those books of any discrepancy between the statement of the same item in the different books after they



had passed the quarter?—A. I do not know of there having been any differences or discrepancies.

Q. Have you any knowledge of the preparation of the Finance Report itself?—A. No, sir; only that part which relates to the Treasurer's office.

Q. Do you know of any alteration of any figures in the Finance Reports that are issued yearly after they had gone out of the office?—A. I have no knowledge of any.

Q. Do you know of the fact that there exists in any one of those reports any difference or discrepancy in the statement of the same items?—A. I do not.

By the CHAIRMAN:

Q. Could you make me a similar statement to the one I hand you from the books in your office to show whether your books agree with the Secretary's?—A. Not, I think, as to items.

Q. Could you tabulate it as that is tabulated?—A. I could not without going over the books, and for that period I could not at all. I could arrange the books so that it could be given for the time to come, but not for the dates there covered.

Q. Your books are not kept so that you could tabulate your statements as the Secretary has done in his Finance Report of which that table I have shown you is a copy?—A. I think not.

I wish to add that many of these questions I could have answered better if I had an opportunity to refer to my books.

Q. Do you mean by that that you have stated any fact that you are not sure of?—A. No, I do not mean that; but I could explain more in detail and more explicitly by reference to the books in some cases.

Q. We understand from you that when you issue a certificate of A having deposited money with you for a bond of a given amount, you yourself do not know whether the bond is issued for the exact amount that you give the certificate or not? You never see the certificate again, or see the bond?—A. Not necessarily. There are some cases of delivery in this city where the bonds are sent to the receiving tellers to be delivered; but if the deposit is by persons out of the city, they are sent direct from the other branches of the department.

As to the checks on the Printing Bureau, I only made a general statement.

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WILLIAM WOODVILLE recalled.

By the CHAIRMAN:

Question. By whom was the statement that I hand you prepared? (Exhibiting).—Answer. Prepared by Mr. Byrne, formerly a clerk of this committee.

Q. Have you examined it by the books so as to be able yourself to testify to it?—A. Yes, sir; I can testify to this statement. I went over it with him and checked it off with him from the other book.

Q. Have you recently re-examined it?—A. Yes, sir; I have refreshed my memory about it to-day.

Q. Is it correct?—A. It is correct, with the exception of a few memoranda which are marked there; two exceptions which I have specified on it.

The CHAIRMAN. I offer that in evidence, as having been the result of the work of Messrs. Woodville and Byrne together, and want it to go in.

Memorandum of erasures, alterations, and changes found in "Register of Public Debt Warrants" from January 1, 1865, to December 31, 1869. Secretary of the Treasury.

Year.	Date.	Number of warrants.		Amount.
1865	Jan. 3	1737	Amount altered and scratched.....	\$11,981 56
	17	1883	Amount altered and scratched out; canceled.....	
	Feb. 6	2053	Amount altered and scratched.....	40,434 54
	9	2099	do.....	187,982 33
	10	2118	do.....	669,920 00
	17	2160	do.....	450,500 00
	Mar. 3	2302	do.....	18,392 10
	16	2398	do.....	211,640 00
	Apr. 17	2678	do.....	1,087 12
	28	2784	do.....	38,221 57
	May 8	2855	do.....	26,003 09
	17	2944	do.....	38,616 15
	20	2963	do.....	57,020 74
	June 5	3116	do.....	958,240 00
	19	3238	do.....	20,462 17
	21	3266	do.....	17,999 78
	22	3275	do.....	625 00
	July 11	3445	do.....	3,758 63
	Aug. 1	3628	do.....	976 89
	1	3629	do.....	80 00
	5	3672	do.....	243,688 70
	14	3718	do.....	87,258 77
	Sept. 4	3881	do.....	1,743,700 00
	14	Scratched.	Amount altered and scratched out.....	
	14	do	do.....	
	21	4025	Amount altered and scratched.....	13,000,000 00
	25	Scratched.	Amount altered and scratched out.....	
	30	4088	Amount altered and scratched.....	
	Nov. 8	4371	Amount erased with red lines should be in Treasury proper.....	959 08
	8	4372	do.....	220 00
	8	4373	do.....	150 00
	8	4374	do.....	200 00
	27	4486	Amount altered and scratched.....	74 00
	Dec. 16	4611	do.....	82,548 23
1866	Jan. 6	4746	do.....	84,800 00
	16	4817	do.....	204 19
	22	4862	do.....	46,555 17
	26	4900	do.....	154 62
	30	4920	do.....	24,380 00
	Apr. 18	5454	do.....	1,136 84
	May 7	5621	do.....	6,163 73
	12	5673	do.....	107 71
	15	5701	do.....	45,176 73
	28	5795	do.....	89,900 00
	June 6	5888	do.....	1,241,004 15
	13	5900	do.....	4,791 87
	25	5958	do.....	287,500 00
	31	6064	do.....	20,637 67
	July 31	6436	do.....	138,225 88
	31	6437	do.....	29,781,300 00
	Aug. 2	6473	do.....	23,127,248 27
	21	6608	do.....	7 49
	23	6632	do.....	372,424 36
	23	6634	do.....	30,806 43
	Sept. 4	6742	do.....	55,298 62
	21	6926	do.....	685 97
	29	6936	do.....	15,520 77
	29	6940	do.....	52,485 85
	Oct. 31	7232	do.....	20,180,800 00
	31	7234	do.....	8,000,000 00
	31	7234	do.....	7,000,000 00
	Nov. 16	7331	do.....	19,961,750 00
	22	7878	do.....	48,891 17
1867	Jan. 7	20	Amount altered and scratched; canceled.....	3,585 02
	7	22	do.....	1,378,450 00
	8	27	Amount altered and scratched.....	2,621 89
	8	30	Amount altered and scratched; canceled.....	50,000 00
	12	52	Amount altered and scratched.....	29,556 85
	15	63	do.....	1,623 85
	Feb. 19	Scratched.	Amount altered and scratched; canceled.....	5,129 71
	Mar. 29	397	Amount altered and scratched.....	4,000,000 00
	June 12	663	do.....	4,963 40
	27	704	do.....	11,449 96
	Aug. 8	880	do.....	108 00
	24	809	do.....	394,100 00
	24	870	do.....	788,000 00
	27	875	do.....	1,031 83
	31	884	do.....	401,000 00
	Sept. 21	934	do.....	340,500 00
				350 00

*Memorandum of erasures, alterations, changes, &c.—Continued.*

Year.	Date.	Number of warrants.		Amount.
1867	Oct. 17	Scratched.	Marked in margin "(Directed same to issue on November 1)," and the entry crossed out with black lines, whilst the amounts in figures are not erased. The aggregate amount of the warrant is .....	
	Dec. 2	1051	Amount erased with red lines; see next page.....	\$24,000 00 00
	2	1059	do .....	250,400 00
1868	Feb. 14	62	Amount erased with red lines; canceled .....	125,000 00
	June 3	174	Amount erased with red lines .....	2,000,000 00
	8	174	do .....	\$14,450 00
			do .....	527 42
	July 31	236	Amount altered and scratched .....	14,977 42
	Aug. 27	259	do .....	28,283,850 00
	Sept. 12	285	Amount erased with red lines; canceled .....	200,000 00
	Oct. 31	246	Amount erased with red lines .....	5 00
	Nov. 12	377	Amount erased with red lines; canceled .....	22,735,282 50
	12	377	do .....	3,045,000 00
1869	Mar. 30	60	do .....	87,081 50
	July 31	135	In several amounts this warrant shows alterations and scratches .....	1,233,791 98
			In the recapitulation for the month of July, 1869, in the item of "Redemption of the Public Debt," the figures are altered and scratched \$12,561,467.48.	30,824,402 08
			In the recapitulation for the month of August, 1869, the amounts entered are in several items altered and scratched.	
	Sept. 30	176	Amount altered and scratched .....	21,314,102 68
	Oct. 30	186	do .....	5,030,541 84
	30	187	Amount altered and scratched; premium on sinking-fund principal .....	311,945 10
	Nov. 30	203	Amount altered and scratched; redemption of the public debt .....	7,265,416 00
			In the month of November, 1869, the amounts entered in the recapitulation are scratched and altered in several items.	

ROOM 65, TREASURY BUILDING,  
COMMITTEE ON TREASURY ACCOUNTS,  
Washington, D. C., November 22, 1878.

SENATOR: I make, at your request, a copy from my "memorandum-book of alterations and erasures," from a book called "Register of Public Debt Warrants."

In my examination of the books furnished the committee by the Secretary of the Treasury, I have thus far noted 1,120 alterations and changes in the 39 books I have examined.

Most respectfully, your obedient servant,

EDWD. BYRNE.

Hon. H. G. DAVIS,  
Chairman, &c.

Q. Have you made examinations of different books in the Secretary's, the Register's, and the Treasurer's offices?—A. My examination was particularly in the Register's and Treasurer's books, and the public debt ledger of the Secretary from 1860 to 1871 inclusive.

Q. Did you find upon those books alterations or errors or erasures in figures?—A. Yes, sir; I found alterations, scratches, canceled warrants.

Q. To what extent?—A. In the Treasurer's books from 1860 to 1867, inclusive, the alterations, scratches, and canceled warrants amounted to about twelve hundred in round numbers.

Q. Twelve hundred different alterations?—A. Alterations, scratches, and canceled warrants, anything like a change from the original amount.

Q. Just explain generally what you found upon the books in regard to erasures or alterations of figures?—A. Amounts scratched and new figures substituted.

Q. State the number of books and the different offices you examined.—A. The Treasurer's general ledgers, and the redemption of the public

debt ledgers of the Secretary and the Register; the appropriation ledgers, as they call them.

Q. What is the gross number in the books that you discovered yourself?—A. There were from forty to fifty in the redemption of the public debt ledger of the Register.

Q. How many in the Secretary's?—A. That I went over with Mr. Byrne; I think there are about three hundred.

Q. Are the amounts large or small?—A. They vary. Some of the appropriation amounts were enormous. They were scratched.

Q. What do you mean by enormous?—A. \$130,000,000 or \$13,000,000. It depends upon the particular appropriation.

Q. State what you mean by scratched. Were the figures scratched and new ones substituted?—A. I mean to say that an alteration in an item had been made. Of course it looked as if the old amount was wrong, and it had been scratched out and a new amount substituted.

Q. Some of these amounts were large?—A. Some were in the appropriations and some in expenditures on account of the public debt. They are closed up by what they call an appropriation warrant for the total amount after a given time, and those amounts would be very large. Some of them were scratched.

Q. Have you a memorandum of them as you took them off the books?—A. Yes, sir.

Q. You can refer to that at any time?—A. Yes, sir.

Q. Do you know whether Mr. Byrne, who was associated with you, examined the Secretary's books, and whether he found any alterations and erasures? If so, how many?—A. That I cannot tell. I know I looked with him; I did not keep an account of his, but he called my attention to them, and the appropriation ledgers in that period, from 1860 to 1870, inclusive, indicated a great many scratches and alterations; that is, amounts had been altered in the various appropriation items.

Q. Do you know of any leaves being entirely out of the books that appeared to have been cut out?—A. Yes, sir. In the beginning of the war some of the Treasurer's accounts are that way; about 1861 and 1862.

Q. In how many instances?—A. Two—four leaves in one case, and five in the other. I can produce the books, if you wish.

Q. Can you approximate the number of alterations and erasures found by Mr. Byrne while you and he were going over the books?—A. I could not do it from his accounts.

Q. Can you approximate to the number?—A. No, sir. There are a great many, I know.

By Mr. DAWES:

Q. Do you know in reference to any of them, when they were made?—A. No, sir.

Q. Or by whom they were made?—A. No, sir; I cannot tell.

Q. Do you know in reference to any one of them, what it was altered from?—A. No, sir. I speak of it just as it appears on the books.

Q. How does it appear on the book, "January 3, 1865, warrant No. 1737, amount altered and scratched"?—A. It is just that way. The old amount has been scratched out and a new amount substituted.

Q. The paper scratched, you should judge?—A. Yes, sir; I examined it carefully; held the paper up to the light to see if it had been scraped.

Q. What figures were substituted for what figures you do not know?—A. I could not tell that.

Q. But the figures as they stand there now are \$11,981.56?—A. Yes, sir.

Q. What they were originally you do not know?—A. I do not.

Q. What mistake was corrected you do not know?—A. No, sir.

Q. Or by whom it was corrected you do not know?—A. No, sir.

Q. The next one simply has the word "canceled"?—A. Yes, sir. No amount at all is there carried out.

Q. "February 6" is one which purports to be "amount altered and scratched." Do you make the same statement in reference to that that you did in reference to the first?—A. Yes, sir; just the same.

Q. What that entry was originally you do not know?—A. No, sir.

Q. What occasion there was to make any erasure on the paper you do not know?—A. No, sir.

Q. Nor by whom?—A. No, sir.

Q. What you say in reference to this you say in reference to them all?—A. Yes, sir.

Q. Can you produce here in this room each one of these books? I think we ought to see them. It is a question for the eye.

The CHAIRMAN. I have gone over a good many of them myself.

The WITNESS. They can all be here at any time you wish to see them.

Q. (By Mr. DAWES.) Is there any indication upon any book that you have seen as yet of an alteration of any figure in the book after the quarterly comparing of it with the other books in the department?—A. That I could not tell. I have seen some of the totals in the quarterly statements of the Treasurer scratched, but I never compared them with the others, because I did not have sufficient time to do that.

Q. If there had been any alteration in the books of one bureau after the quarterly balances had been tried, would it not be necessary to alter them in all the bureaus in order to have them correspond?—A. That depends upon circumstances. It may have been an error in addition in one case which they may have corrected.

Q. After they had been compared and found to agree at the end of each quarter, could there be an alteration in one that would not necessitate a like alteration in them all, or show to-day the discrepancy?—A. I talk as a bookkeeper. There may have been an error of addition in one and it may have been scratched before any comparison was made. That is what I mean to say.

Q. Of course; and as to any of these erasures or scratches, you do not know whether they are of that kind or not?—A. I could not tell.

Q. But you know as a bookkeeper that after three sets of books have been compared and found to agree, if one gets altered after that it necessitates the altering of all the others?—A. You would have to examine first to see whether they disagreed.

Q. Can you not answer that question?—A. I could answer that question. If they all agree, of course they are all right.

Q. Then if there is any alteration after that in one it must necessitate the alteration of them all?—A. Yes, sir.

Q. Have you compared any of these items that you have put down here as altered or erased in the books of any one division with the corresponding items in any of the other books to see whether they had been altered in them or not?—A. We did compare some, but whether it was that statement or not I am not prepared to say. I could, if Mr. Byrne were here, tell positively; but I am not prepared to say under oath.

Q. Whether you compared any one item which appeared to you to have been altered or erased in one book—you do not know whether you compared it with the corresponding item in another book?—A. We

did in some instances, but whether in those on that paper or not I do not know. He put a private mark on and I cannot tell without seeing it.

Q. Did you find the same item altered or erased in the books of different bureaus?—A. Yes, sir.

Q. What was that?—A. That I cannot tell. I know in several instances they were scratched all the way through the Treasurer's accounts.

Q. The same item?—A. Yes, sir.

Q. Will you ascertain each of those items and bring them to the committee the next time it meets, and the book in which they are?—A. I will.

Q. How many items did you look over to find this number which had been at some time erased or scratched?—A. I did not make this out, but I have looked at the books and verified it by the books. I do not know how many were gone over by Mr. Byrne to find this number. I only know that I took these which Mr. Byrne had put down and verified them.

Q. How many entries are there in the books in which you found twelve hundred?—A. In all the books.

Q. Can you form an estimate of the number of entries you went over to find these twelve hundred changes?—A. An enormous quantity.

Q. Were there a million entries?—A. All the bonds issued for those years; I cannot tell according to numbers, because each classification has its own number. I could show you one of the books.

Q. Do you think there were a million different entries in those books?—A. I really could not say; I never counted the entries. I cannot form any estimate. They could in the Warrant Division, where they issued them, form some estimate, but I never made the experiment.

Q. How many books did you go through to find these twelve hundred?—A. Thirty-two books.

Q. In thirty-two books you found twelve hundred entries that you thought had been, either when originally made or at some other time, changed?—A. I do not say when. I say I found erasures and scratches, old amounts scratched and new amounts substituted, canceled warrants and everything included under this.

Q. Wherever you saw a scratch you counted one?—A. Wherever there had been an alteration or erasure.

Q. Whether it was made at the time of the original entry or some other time you do not know?—A. I cannot say anything about that.

Q. What dates do those books cover?—A. I examined from 1860 to 1867, inclusive—eight years.

Q. What do those books purport to contain?—A. The accounts of the Treasurer.

Q. Of the Treasurer's disbursements?—A. Receipts and disbursements.

Q. Of the Treasurer of the United States?—A. Of the Treasurer of the United States.

Q. What are they, the first entry books or the ledgers?—A. They call them their ledgers. It is the record of all the moneys paid out of the Treasury by warrants.

Q. Is that transferred to any other book?—A. No sir; it is the original payment of the warrant under each classification.

WASHINGTON, *January 10, 1880.*

RAFAEL A. BAYLEY sworn and examined.

By the CHAIRMAN :

Question. Are you engaged in the office of the Secretary of the Treasury ?—Answer. I am.

Q. At what ?—A. Clerk in the Warrant Division.

Q. How long have you been there ?—A. Since August, 1870.

Q. What are your general duties in the office ?—A. Miscellaneous—preparing statements, and current work of any nature.

Q. Do you make the debt statements ?—A. No, sir.

Q. Do you have anything to do with them ?—A. Nothing at all. I only send them out after being prepared.

Q. Do they go through your hands ?—A. After they are prepared, and then for mailing only.

Q. Did you, in 1870, assist Mr. Saville, chief clerk of the Treasury Department, in making up a revisory statement of the accounts in the Secretary's office ?—A. I did.

Q. How long were you at it ?—A. About four months and a half. And here I would like to read a statement pertaining to the whole matter.

Q. We will allow you, after we are done, to read any statement you wish ; but what you have written might not be directly what we want. Had you assistants in that work ?—A. Yes, sir ; William Guilford assisted me from time to time. I was under the direction of Ross A. Fish—that is to say, he was my immediate supervisor. Of course, I knew nothing about the work when I began.

Q. How many were engaged at it in all ?—A. No one but myself at that time in the actual work. If I wanted any advice or assistance from either Mr. Fish or Dr. Guilford, I asked for it, and it was always furnished me.

Q. Did you do the entire work yourself ?—A. I did ; that is to say, I understand you are speaking now of the tables in the Secretary's report.

Q. The debt tables ?—A. No, not the debt tables, but the receipts and expenditures.

Q. On account of the public debt ?—A. No, sir ; the Receipts and Expenditures of the Government, Tables K and L, I think, in the Secretary's report of 1870.

Q. Of general receipts and expenditures ?—A. Yes, sir. It appeared there for the first time that year.

Q. Who was engaged on the debt part of the statement connected with those tables ? [Exhibiting to the witness the report of 1870, with the Tables K and L.] Are those the tables ?—A. The whole of this and the whole of that [indicating Tables K and L] are my work from beginning to end.

Q. Are these the receipts and expenditures on account of the public debt ?—A. Yes, sir ; to a certain extent.

Q. State, now, how long you were at it.—A. About four months and a half in preparing that particular table.

Q. You did the whole work yourself ?—A. Yes, sir ; the actual manual labor, figuring, &c.

Q. Where did you get your data ?—A. From the printed receipts and expenditures, so far as printed at that time. Down, I think, to 1866 they were printed.

Q. Where did you get the other four years from ?—A. From the books in the Warrant Division.

Q. Of the Secretary's office?—A. Yes, sir.

Q. How did you find the tabulated statement of Receipts and Expenditures as reported by the Register previous to 1860?—A. I made no comparison until after the work was all done between the two. I did not know anything about those statements.

Q. How did you find them when you did make the comparison?—A. I found that we differed somewhat in several instances.

Q. How did you find the public-debt portion of it?—A. In comparing with the table of 1869, after this table was prepared, there was quite a number of differences.

Q. My question is, previous to 1860, not between 1860 and 1870.—A. Previous to 1860, I think, there was some considerable number of differences. I can hardly recollect just at the moment, but to 1833, if my memory serves me aright, they agreed, and subsequent to that, I think, there were quite a number of differences, not very large in any one case.

Q. As a whole, how did you find the statements in regard to the public debt previous to 1860?—A. It is so long since I made the comparison that I must say I do not remember exactly on that point.

Q. You made your statements from the printed Receipts and Expenditures so far as they had been printed?—A. Yes, sir.

Q. You accepted them as correct?—A. Yes, sir.

By Mr. DAWES:

Q. Down to 1860?—A. Yes, sir; I think it was to 1866 that they had been printed at that time.

By the CHAIRMAN:

Q. Do you know anything of what is known as the Pacific Railroad debt, that was in the public-debt statement up to 1869?—A. No, sir; nothing particularly, only that the bonds were included in some of the debt statements issued prior to that time.

Q. Were they included in your statement made in 1870?—A. No, sir; I think not.

Q. They were dropped?—A. I think so; that is to say, the bonds issued for Pacific railroads were left out.

Q. Have you got memoranda by which you can tell us when they were dropped?—A. I think in 1870; perhaps some time before that. I know they appear on the statement of August 31, 1865. Whether they do subsequently or not I cannot say at this moment.

Q. Were they treated as part of the public debt at that time?—A. By that statement they were.

Q. But in the statement you made they were not?—A. No, sir.

By Mr. DAWES:

Q. Is there any fuller statement you would like to make of what you did while in charge of this business?—A. Regarding the circumstances under which it was made up?

Q. Make as full a statement as you desire to do about the matter.—A. This was written some years ago, and was merely for the purpose of preserving the facts. This is a statement of the circumstances under which the statement was made [producing a paper].

Q. You have the original statement prepared some time since?—A. Yes, sir; I have a written statement prepared some time since as to the circumstances under which Tables K and L in the Finance Report of 1870 were prepared.

Q. How long is it since this statement was prepared?—A. To the best



of my recollection it was about four years ago that these notes were written, at a time when the whole matter was fresh in my mind.

Q. Do you desire to make that statement a part of your answers here?—A. Yes, sir; I should like to make it an answer, for the reason that it explains fully the circumstances under which these tables were prepared.

Q. Read the statement.—A. It is as follows:

In August, 1870, I was appointed a first-class clerk in the office of the Secretary of the Treasury. I was assigned to duty under the direction of an old experienced officer, and directed to make a careful examination of the accounts of the government from its organization, with a view of preparing a detailed history of all its receipts and expenditures, on every account, arranged in such a manner as to enable the Secretary's office to reply to the numerous inquiries constantly made by Congress and the public for information, to answer which required much time and labor, and being made up in different offices by different clerks, in many cases from different data, experience had shown to be too often incorrect, and consequently frequently led to a misunderstanding of the true method of keeping the public accounts and preparing these statement.

My instructions were to spare no exertions to make this work as absolutely correct as skill and labor could make it, and under no circumstances to allow any error which could be discovered to go uncorrected.

For four and a half months I was engaged exclusively in preparing the statement of the receipts and expenditures of the government from March 4, 1789, to June 30, 1870, as shown in Tables K and L in the Finance Report of the Secretary of the Treasury for 1870, pages xxvi to xxxi, and which table has been continued annually since that time, prepared for succeeding years in the same manner and from similar data. It must be borne in mind that previous to commencing this work, I had no knowledge of either the manner of keeping the public accounts or the method of classification which had been adopted in the preparation of the tables which, up to that time, had always been made up in the Register's office. Consequently, I had to be governed entirely by the advice and instructions of my superior, in cases where I had some doubts as the correctness of my own judgment.

Natural pride impelled me to an extra-careful examination of every detail of each item of account, that I might feel reasonably sure of being correct, well knowing the results would be subject to a critical examination of older and more experienced officers of the department, and an error would very soon be discovered.

All my memoranda were carefully preserved to the end, and in due time the tables were printed, and for the first time published in the report of the Secretary in December, 1870.

But a short time after the issue of the tables to the printer, and while looking over some of my memoranda, the thought suggested itself to my mind that the difference between the gross amounts of the receipts from loans and Treasury notes, and the disbursements on account of redemption of the principal of the public debt, should agree with the amount of the public debt as shown by the "Public-debt statement," then, as now, issued monthly from the office of the Secretary. Bear in mind, at that time I had not the slightest knowledge of the manner in which the public-debt statement was prepared, but it seemed plain to me that, if my accounts were correctly stated, the result should agree with that of the debt statement. It was but little work to make the calculation, which done, I found a difference between the two statements of \$116,104,831.45, there being that amount more outstanding by the public-debt statement than by the receipts and expenditures as shown by the tables just completed and already in the hands of the printer.

Feeling confident of the correctness of my work, though entirely ignorant at that time of the cause of this apparent discrepancy, I immediately called the attention of the chief clerk to the facts as they presented themselves to me, and asked his advice. His instructions were to look up the matter carefully, examine all my previous data, and see if I could find a cause for this very large discrepancy.

Ere long I discovered the fact (hitherto unknown to me) that the government was in debt over \$75,000,000 at the beginning of its administration, all of which had been redeemed (as was believed at that time), and here was so much of the difference accounted for at once, as will be readily seen, the government having paid off this amount of indebtedness, no portion of which had entered into the gross amount received on account of loans under the present form of government, and consequently the present system of public accounts. On making this discovery known to the chief clerk, he remembered the fact immediately and said at once, "You have struck the right clew; now go ahead and follow it up to the end. You will find there are other instances of a similar kind, and as we know both accounts are correct, the apparent discrepancy must be susceptible of explanation."

To carry on this investigation properly I found it necessary to procure the original day-books and ledgers from the earliest period, and this I soon found to be no easy task. The ledgers in the Register's office from 1789 to 1798, inclusive, had been destroyed by fire many years before. The day-books were still in existence.

In the office of the First Comptroller I found the first ledger, although kept in such a manner as hardly to be worthy of the name, and that office in those days keeping no journals or day-book of any kind which might lead to a better understanding of the misnamed ledger. These, together with the statements printed in the appendix of the public accounts of the earlier years, and the American State Papers published in 1832 by Gales and Seaton, per act of Congress, and the various reports and statements made to Congress by the Secretary of the Treasury, enabled me to explain so much of the difference as shown in the Finance Report of 1871, p. 20. A comparison of this statement with Table I, in Finance Report of 1872, p. 18, will show more clearly the result of the careful investigation made since the discrepancy was first discovered, and it only remains to fully complete the examination of the several accounts relating to the "domestic debt" of the Revolution, and some few of the loans negotiated during the recent war, to present a perfect statement of the "public debt of the United States," showing the amounts annually received on account of each loan, the amount annually paid for redemption, with the expenditures on account of commission, brokerage, premium, or discount, and a detailed history of each loan.

The plan of the work is to present in detail, showing the annual receipts into the Treasury from each and every source, together with the annual expenditures on account of each appropriation, commencing with the organization of the present form of government, March 4, 1789, and continuing to June 30, 1876, taking each appropriation for a specific purpose, referring to the volume, page, and section of the statutes, showing amount annually appropriated, with expenditures by warrants, repayments, transfers to or from other appropriations, amount carried to the surplus fund, and net expenditures, with such notes as may be necessary to explain any difference in the accounts as presented by official statements previously published, and, in important cases, a brief historical résumé.

A statement of the public debt of the United States, commencing June 10, 1776, the date of the first loan made to the government, showing in detail, by quarters, the annual receipts or issues, and redemption, with a synopsis of the authorizing act, length of each loan, when redeemable, when payable, amount authorized, amount issued, at what price sold, when interest began, final redemption, amount outstanding; if exchanged, for what and on what terms, for what purpose issued, premium, discount, commissions, brokerage; whether registered or coupon bonds or certificates, together with a history of each loan made up from official data.

I will state that this was written at the time merely for my own personal use, to refresh my memory when I should come to complete the whole thing, if it should ever be done.

Four parts have already been printed in answer to Senate resolutions, and three others having been called for by the Senate, are now in course of preparation.

Q. Were any of the figures on the books of the Treasury Department, from which you made your statement, changed during the examination which brought out this result?—A. No sir; not the slightest change was made.

Q. So far as you know, those figures remain to-day as they were when they were first made upon the books, from 1789 to the present time? A.—Yes, sir; exactly.

By Mr. INGALLS:

Q. I understand you to say that you have completed the work that you were directed to perform, in reference to a complete analysis of the public-debt statement as compared with the amount of receipts and expenditures?—A. Only so far as that table goes.

Q. Are you able to state what is the exact difference actually existing. There is an apparent difference of \$116,000,000 in round numbers, as stated by your table. What is the exact difference actually existing between these two statements of account?—A. Do you mean between the table as there shown and the public-debt statement as issued?

Q. I want to know the fact whether there is any difference at all between the amount of money that has been expended and the amount that has been appropriated?—A. If I understand you aright, I say, no, sir.

Q. You say there is none?—A. None; but perhaps I do not exactly understand you.

Q. In the Finance Report of 1872, on page 18, in Table I, appears a statement of the differences between the several accounts, "showing the outstanding principal of the public debt, with an explanation thereof, so far as the examination of the accounts has progressed." What I desire to obtain from you is a statement as to whether there is any actual difference between the amount of the public debt and the accounts that you have examined and have stated in your table which appears on page 18?—A. Only the difference accounted for by the note there printed, if I understand the meaning of the question aright. They are both the same, substantially. Under present circumstances, there must always remain a difference of \$116,000,000, in round numbers, as shown by the note in the report before you.

By Mr. DAWES :

Q. State now of what items that \$116,000,000 is made up.—A. It is thus made up, as stated in the note :

French farmers-general loan .....	\$153,688 89
French loan of eighteen million livres .....	3,267,000 00
Spanish loan of 1781 .....	174,017 13
French loan of ten million livres .....	1,815,000 00
French loan of six million livres .....	1,089,000 00
Balance of supplies due France .....	24,332 86
Dutch loan of 1782 .....	2,000,000 00
Dutch loan of 1784 .....	800,000 00
Debt due foreign officers .....	186,988 78
Dutch loan of 1787 .....	400,000 00
Dutch loan of 1788 .....	400,000 00
Interest due on the foreign debt .....	1,771,496 90
Domestic debt of the Revolution, <i>estimated</i> .....	63,918,475 44

The above are the details (so far as the progress of the examination has developed them) of the item in the Finance Report of 1871 (page 20), "Revolutionary debt, *estimated* \$76,000,000."

Mississippi-purchase stock .....	4,282,151 12
Louisiana-purchase stock .....	11,250,000 00
Washington and Georgetown debt assumed by the United States .....	1,500,000 00
United States Bank subscription stock .....	7,000,000 00
Six per cent. Navy stock .....	711,700 00
Texas-purchase stock .....	5,000,000 00
Mexican indemnity stock .....	303,573 92
Bounty-land scrip .....	233,075 00
Tompkins fraud in loan of 1798 .....	1,000 00

The following amounts represent the discounts suffered in placing the loans named; only the money actually received was covered into the Treasury. The difference between this and the face value of the stock issued was the discount. To make the receipts and expenditures on the loan accounts correct, these discounts should be credited to the loans as receipts and charged to a discount account.

Loan of 1796 .....	Discount .....	10,000 00
Loan of February, 1813 .....	do .....	2,109,377 43
Loan of August, 1813 .....	do .....	988,581 95
Ten-million loan of 1814 .....	do .....	1,983,895 25
Six-million loan of 1814 .....	do .....	1,076,826 97
Undesignated stock of 1814 .....	do .....	93,868 95
Loan of March, 1815 .....	do .....	588,820 93
Loan of February, 1861 .....	do .....	2,019,776 10

The foregoing are the details of the difference of \$116,105,081.45, so far as the examination of the public-debt accounts has progressed. There still remains to be explained .....

Total ..... 116,105,081 45

Q. When did this \$116,000,000 first appear in the Finance Report?—A. The first note is in 1871.

Q. When did this \$116,000,000 first appear; what is it a discrepancy between?—A. The discrepancy is between the amount received on account of loans and Treasury notes.

Q. In the published reports in which year did it first appear to make a discrepancy?—A. In 1870.

Q. Under what head?—A. Under the head of Tables K and L.

Q. What are their names?—A. "Statement of the receipts and expenditures of the United States."

Q. That made a discrepancy of \$116,000,000 between that statement and what other statement?—A. And the amount of the public debt as shown at that time by the debt statement.

Q. This \$116,000,000, then, first appeared there?—A. Yes, sir.

Q. It first appeared in what?—A. It first appeared in the Finance Report of 1870, the amount itself; the note in 1871.

Q. It first appeared in what part of the Finance Report of 1870?—A. In the Tables K and L.

Q. Tables which show what?—A. Which show the receipts and expenditures from 1789 to 1870.

Q. In the table of receipts and expenditures there appeared \$116,000,000 more that year than when? What is the discrepancy in these tables with; what do they differ from?—A. The difference between the receipts and expenditures differs from the public-debt statement that amount. That is my understanding of it.

Q. That year for the first time?—A. Yes, sir.

Q. Which is the larger?—A. The public-debt statement.

Q. The public-debt statement was that year \$116,000,000 larger than what—what is this difference about?—A. It is a difference between the amount as shown by the receipts in these tables on account of loans and Treasury notes and the expenditures on account of the redemption of the same—between that balance and that shown by the public-debt statement at that date.

Q. That difference appeared for the first time in the published reports in what year?—A. Eighteen hundred and seventy.

Q. It arose from including in one of the statements the items which you have given. Were all the items which you have given that make up the \$116,000,000 ever published before in the Finance Report?—A. No, sir.

Q. They were published that year for the first time?—A. Yes, sir; that is, in the year 1871.

Q. And that increased the amount of the public expenditures by the sum of \$116,000,000?—A. No, sir; there was no increase.

Q. It increased the amount stated in the report when published for the first time; or what effect had it?—A. It was included in the aggregates as published. There is no mention of the difference in any shape in 1870.

Q. It was included in the public expenditures in 1870?—A. Yes, sir; in that table.

Q. Was it ever included in the table of public expenditures before that time?—A. I think very likely it was. It must have been, so far as the expenditures were concerned.

Q. If it had always been included, how came it, then, to make a difference in 1870?—A. It did not make any difference; there was no difference.

Q. Then you have not accounted for how a difference in 1870 arose by including \$116,000,000?—A. I have not pretended to.

Q. Will you make the effort?—A. I have attempted to explain, by this note, why it is that the difference between the receipts from loans and Treasury notes and the redemptions of loans and Treasury notes does not agree with the public-debt statement of that day.

Q. Why do they not agree with it?—A. For the very reason I have stated.

Q. Because in one of them these items are included, and in the other they are not?—A. No, sir; because in the receipts from loans and Treasury notes are included all moneys received for that purpose, and in the expenditures are included all the money which has been paid out for redemption of the public debt. The government having received no money for these items which I have named here, of course they cannot appear as receipts.

Q. Do you mean to say, then, that it is because in the receipt column this \$116,000,000 does not appear?—A. Yes, sir.

Q. While it does appear in the redemption column?—A. Yes, sir.

Q. Is that the whole explanation of this difference?—A. Yes, sir.

Q. The reason why it did not appear in the column of receipts arose from the mode of keeping the books in those times?—A. No, sir; it arose from the fact that no money was received, the bonds or stock having been issued to pay indebtedness.

Q. It arose from the fact that the books which kept the account of receipts only have no place in them for these items?—A. Certainly. They did not belong there.

Q. And you obtained those items from another source?—A. I obtained those items from the statements of redemptions and expenditures on account of the public debt.

Q. Were all the items that make up the \$116,000,000, or were they not, on the books of the Treasury Department?—A. So far as the expenditures go, they were.

Q. Were you enabled to make up the amount of this \$116,000,000 from data on the books of the Treasury Department?—A. Yes, sir; wherever I attempted to; that is to say, when it was necessary for me to go to the books. If I had any doubt of anything, I went to the original books to see it.

Q. You made it up entirely from books of some kind?—A. Entirely from the accounts of the government.

Q. Did you make up this whole amount of \$116,000,000 from data that came from the books of the Treasury Department?—A. Yes, sir.

By Mr. BECK:

Q. You made the change in the form of statement made up by you, as I understand it, from Issues and Redemptions to Receipts and Expenditures?—A. I made up this statement exclusively from the printed books of receipts and expenditures, as I found the entries made; the transactions were completed, and there was no reason to doubt that the figures were actually correct.

Q. In the Finance Report for 1869, pages 320 and 321, is the same character of table that is found in the Finance Report for 1870, pages 274 and 275, is it not?—A. I should judge so, from the appearance of it.

Q. In the report for 1869 is this statement: "The years 1862 and subsequent are from the account of warrants on the Treasurer issued; all previous years are from warrants paid." Then, in the Finance Report

for 1870: "The years 1867 and subsequent are from the account of warrants on the Treasurer issued; all previous years from the account of warrants paid." Did you not make up these tables?—A. No, sir.

Q. Who made up these?—A. They were made up in the Register's office.

Q. That being the fact, I ask whether there would not be a change from the different mode of statement as from 1867 and subsequent years, the table of 1870 being made up from the accounts of warrants on the Treasurer issued, and all previous years from the account of warrants paid. When, in the report of 1869, it was made from a different basis from the year 1862, and subsequently on account of warrants issued, and in all previous years from warrants paid, did it not change the mode of stating it, if it was done in that way?—A. It would during these five years, if that is the fact in the case; that is, if one is 1862 and the other is 1867, they would differ during those five years in certain respects.

Q. Between the amount of warrants issued and warrants paid, as they might be paid in different fiscal years?—A. Yes, sir; if those two statements are actually true.

By the CHAIRMAN:

Q. Look at those two tables referred to by Mr. Beck, both made by the Register in 1869 and 1870, and see if they do not compare to a cent?—A. I presume they are the same.

By Mr. BECK:

Q. In making up the table on the basis of Receipts and Expenditures, is not the bulk of that \$116,000,000 made up of items that were expenditures without corresponding receipts? Is not that the way the difficulty came in?—A. Yes, sir.

Q. As long as the old system continued of making it up from Issues and Redemptions they would appear?—A. Yes, sir; that is to say, as long as those items remained unchanged.

Q. And it was the Change of System to Receipts and Expenditures from Issues and Redemptions that causes this \$116,000,000 to have the explanation that you gave it in that note?—A. No, sir; there was really no change made. I have not stated that I have made any change.

Q. Call it the difference in system.—A. The difference in system of preparing the statement.

Q. That is what I meant to say, the difference in the system of preparing the statement from Issues and Redemptions to Receipts and Expenditures caused that \$116,000,000 to appear and come out in the form of a note of explanation?—A. Yes, sir; it always actually existed, but it then appeared.

Q. For example, if the State of Massachusetts got \$10,000,000, and here was no corresponding payment back, the expenditures would exceed the receipts?—A. Certainly.

Q. I understood you to say that you had gone through the whole of your work and had sent it to the printer before you discovered that condition of things?—A. Yes, sir.

Q. What enabled you to discover it afterwards?—A. Simply from taking the receipts, putting them down, then the expenditures, and deducting one from the other. I naturally thought, knowing nothing about the way in which the public-debt statement was made up, that the difference between the receipts and expenditures would agree with the amount of the debt as shown by the public-debt statement. I had scarcely then ever seen a debt statement more than once or twice. I

made a memorandum of the figures and was surprised to find that they differed this amount. Of course, my first thought was that I had made a mistake, but was satisfied, from subsequent examination, that I was correct, and then, as I have stated, I asked the chief clerk what to do, and he instructed me accordingly, and I then found out the reason for the discrepancy.

Q. You said no changes were made in any of the books or statements of the Treasury, that you were aware of, in making this change of system. Let me call your attention to this—perhaps you can explain it: First, when was Secretary Boutwell appointed Secretary of the Treasury?—A. In March, 1869.

Q. Here are the statements, signed by Hugh McCulloch, dated June 1, 1868, and August 1, 1868; then, September 1, 1868, signed by Hugh McCulloch; one October 1, 1868, by Hugh McCulloch; one November 1, 1868, by Hugh McCulloch; one December, 1868, by Hugh McCulloch; one January 1869, by Hugh McCulloch; one February, 1869, by Hugh McCulloch; one in March, 1869, by George S. Boutwell. I find, among these statements, one of the public debt of the United States on the 30th of June, 1868, made out and signed "George S. Boutwell, Secretary of the Treasury" at subsequent date. How was that done and what was that done for?—A. I have no knowledge of that whatever.

Q. You see that is the fact, do you not?—A. I see that is the way it reads.

Q. The statement of the public debt on the first of June, 1868, is by Mr. McCulloch, but there is no debt statement that I find made by Mr. McCulloch in this book for that month. Mr. Boutwell's statement is dated May 20, 1869, and says: "The following is a correct statement of the public debt as appears from the Treasurer's books on the 30th of June, 1868." Do you know why that was made out?—A. I do not.

Q. Do you know whether there was any statement of the public debt for the month ending the 30th of June, 1868, made out by Hugh McCulloch?—A. I do not.

Q. Be kind enough to look and see if you can find any public-debt statement in the office for the 30th of June, 1868, made up by Hugh McCulloch, and see how it compares with this made by Mr. Boutwell?—A. I will.

Q. At the time you made up your statement, under the direction of your superiors in 1870, I understood you to say that you took the receipts and expenditures from the printed books up to 1866?—A. Yes, sir.

Q. And afterwards from the warrants issued?—A. Yes, sir.

Q. Were not the receipts for 1867, 1868, and 1869 printed then?—A. No, sir. In those days they were not printed until three or four years after the year expired—on an average, from two to four years after they were made.

Q. So that the data you had to act upon for the years subsequent to 1866 were unprinted data then in the hands of the Register of the Treasury?—A. Yes, sir.

Q. Do you know whether the Register of the Treasury, when those books were printed, made them conform to the new mode of stating accounts, or whether he still continued them in the old form up to 1870?—A. I think they were continued in the old form. I saw no reason for a change in the books.

Q. Do you remember, or were you advised, of any orders or directions given from the Secretary's office to the Register to make his statements conform to the new regulations?—A. I was not so advised at that time. I do not know that any change in the books was ordered.

Q. I do not mean scratching; I mean alteration in the mode of statement, or rather a new mode of statement?—A. I was not aware of it at the time it was made. I have heard of it since.

Q. Did that change in the mode of statement apply to the then unprinted books for previous years, or only to the mode of statement from 1870 on? As the books were not printed from 1866, I ask whether, if any change of the mode of statement by the Register was made, it applied to the unprinted books of previous years or not; or do you know?—A. I do not know.

Q. Does not the mode of statement adopted by the department in 1870 make the aggregate of the public expenditures appear \$116,000,000 less than it did under the old system?—A. No, sir. I think there was no change. The only thing affected by this \$116,000,000 is that it was discovered at that time; that is to say, the difference was discovered.

Q. The difference grew out of the fact that one statement was \$116,000,000 more than the other, did it not?—A. No, sir; the difference grew out of the fact that the public-debt statement is an actual statement of the existing debt at the time it is issued, and the \$116,000,000 was a mere discovery of a difference between the receipts from the beginning of the government to that time and the expenditures on account of its redemption. It did not alter the fact at any time that that difference existed by my making it out in that way in any shape. I merely discovered that there was a difference between the receipts and expenditures on that account and that shown by the public debt of so much. That fact had always existed, at least at different amounts as the facts occurred; but there was no change in the method of making up the statement or anything else. The note connected with the statement was merely for the purpose of attempting to explain why this difference arose.

By the CHAIRMAN:

Q. I notice in the report of 1870, in accounting for the \$116,000,000, in round numbers, you estimate the Revolutionary debt at \$76,000,000, and in the report of 1872 you estimate it at \$63,000,000. Both those tables were made by you, were they not?—A. Yes, sir.

Q. And both of these estimates of the Revolutionary debt were made by you?—A. Yes, sir. I should like to explain that the one of \$76,000,000 is in general terms considered Revolutionary debt, and the other is the details of what may properly be called the Revolutionary debt, or rather the American portion of it. You will notice that many items are foreign debt, and the \$63,000,000 is what is called the domestic debt, that is, the debt assumed by the several States at the period of the Revolution. At that time I was not sufficiently well acquainted with the details of it, and it was all called "Revolutionary debt," having occurred prior to the present form of government.

Q. In changing the public-debt statement to Receipts and Expenditures from Issues and Redemptions, the latter having been the case previous to 1870, was not this \$116,000,000 discovered?—A. I think not.

Q. Previous to 1870 was the public debt stated by Issues and Redemptions?—A. I do not know.

Q. You made up the public-debt statement in your table from Receipts and Expenditures on account of the public debt?—A. Yes, sir, as shown there.

Q. When you came to deduct the expenditures from the receipts you found \$116,000,000 difference between what the debt really was and had been reported previously by the Register, and what you made it by



Receipts and Expenditures?—A. That is to say by the public-debt statement.

Q. Turn to the report for 1870 and tell me what the debt was reported by the Register at that time, the Secretary never having made a table up to that time?—A. The Register's table puts it at \$2,386,358,599.74.

Q. Now, take the Secretary's table. Is not that the result of your work?—A. No, sir; I had nothing to do with that table.

Q. Who made it?—A. Ross A. Fish.

Q. It was after your work was done, was it not?—A. This was being done about the same time that this table was made up.

Q. State what the public debt was by that table for the same year.—A. The public debt as shown here is \$2,480,672,427.81.

Q. State, in round numbers, the difference between the two.—A. \$94,000,000 and over.

Q. Then the Secretary's table is \$94,000,000, in round numbers, greater than the Register's table which was issued at that time?—A. Yes, sir.

By Mr. DAWES:

Q. And that \$94,000,000 is made up of what?—A. If my memory serves me aright, it was cash in the Treasury at that time which was erroneously deducted by an error.

By the CHAIRMAN:

Q. Do you know that fact?—A. It is what I have always understood. I do not know it at this moment, but when I went over it, if my memory serves me aright, I found that was cash in the Treasury; I think it was, but I am not positive.

By Mr. DAWES:

Q. Can you make yourself positive?—A. I can. I should like to state that the difference of \$116,000,000 is not between the statement as shown by the Register, but as shown by the public-debt statement.

By the CHAIRMAN:

Q. Do you know anything of what is known as the sinking fund in the years 1869 and 1870?—A. No, sir.

Q. That did not come under your observation?—A. No, sir.

Q. Do you know whether or not an account of accrued interest on bonds sold is kept in the Secretary's office?—A. I have no knowledge of anything connected with it.

Q. Would you know it if it was kept there?—A. It would not come within the province of my duties generally.

WILLIAM FLETCHER sworn and examined.

By the CHAIRMAN:

Question. Are you chief of what is known as the Loan Division?—Answer. Of the Loan Division of the Secretary's office.

Q. How long have you been in that office?—A. Fifteen years.

Q. How long have you been chief of the division?—A. Over a year.

Q. Please explain where, when you went into the office, and where at present, bonds were and are issued.—A. I did not know much about it at the time I entered the office, and I do not know that I can tell how bonds were issued fifteen years ago. I was then a clerk of class one and had not the management; neither have I been over the papers so as to

be able to tell how bonds were issued then. I can tell how an issue is made now and how it has been for a number of years.

Q. State that.—A. A deposit is made in the office of the Treasurer for which he issues a certificate, and upon that certificate our office issues an order on the Register of the Treasury. On that order bonds are issued. I have a certificate here which I can show.

Q. Does the bond come back to your office?—A. Yes, sir; and receives the seal and is initialed.

Q. Does it then go back to the Treasurer's office?—A. No, sir; not to the Treasurer's. It is delivered in accordance with instructions indorsed on the Treasurer's certificate.

Q. The Treasurer, after giving the order, has nothing further to do with the bond in any way?—A. No, sir.

Q. Does the same man that issued the order on the Register receive the bond when it comes back to you?—A. No, sir; I issue the orders as chief of the division. I do not receive them back. When they come there it is supposed that I do, but the clerk acting, who has charge of the loan, receives and examines the bonds and places his initials on them.

Q. Do you write all the orders yourself?—A. I sign them.

Q. What becomes of the certificate that the Treasurer issued?—A. That is retained in our office.

Q. I understand that you give an order to the Register to issue a bond; the Register issues the bond and registers it, and returns it to your office?—A. Yes, sir.

Q. What becomes of it then?—A. We return it to the Register's office.

Q. What does he do with it?—A. He delivers it according to our order, after we have completed it.

Q. After the certificate comes to your office, if you are absent, who handles it?—A. The acting chief.

Q. How long has the present system, as you state it now, been in practice?—A. So far as I know, it has been ever since we issued any bonds under the act of July 14, 1870, and I think it was before, but I am not familiar enough to make the statement as to the system practiced prior to that date.

Q. Is there anything further than the integrity of yourself or the persons in the office to prevent your office from originating an order and sending it to the Register to issue a bond?—A. I do not know that there is; but there is a check on us all the time.

Q. The question is, aside from the integrity of your office, of yourself or whoever handles it, whether there is anything to prevent your office originating an order and sending it to the Register to issue a bond to A. B.?—A. Of course we might fraudulently issue an order; there is a limit to all checks; but under the present system more than \$1,400,000,000 of bonds have been issued without an error, discrepancy, any fraud or attempt at fraud.

Q. If you did so, the bond would come to your office for putting on the initials?—A. Yes, sir.

Q. And would not go to the Treasurer to see if he had the money for it in the treasury?—A. It would not go to the Treasurer.

Q. If the Treasurer issues a certificate for a one thousand dollar bond, is there anything to prevent an order for two thousand dollars of bonds being sent to the Register's office from your office?—A. Only our checks.

Q. Your integrity?—A. Yes, sir.

Q. I am putting that out of the question all the time. If such a bond was issued, that two thousand dollar bond would come back to your

office. What would you do with it ?—A. The initials of the clerk having charge of the loan would be put upon it, and it would be sealed.

Q. But the Treasurer himself would know nothing of it ?—A. No, sir.

Q. Do you keep an account in your office of accrued interest on bonds when they are issued ?—A. We keep an account of it as furnished by the certificate of deposit.

Q. To make it plain, if I were to ask you to-day to furnish me a list of accrued interest upon bonds sold since 1864, or any other time, could you do it ?—A. I could not.

Q. It is not kept in your office in such a way that you could ?—A. No, sir.

Q. Is it kept in any office that you know of ?—A. I do not know.

Q. You know of no place in which it is kept ?—A. I do not know, but I believe the Treasurer has that ; I am not positive on that point, however.

By Mr. DAWES :

Q. Are your accounts and those of the Treasurer ever compared ?—A. Yes, sir.

Q. How often ?—A. We compare quite frequently, not at any regular time.

Q. The moment they are compared any discrepancy in the amount of a deposit and the amount of a corresponding bond would be detected ?—A. Yes, sir.

Q. Is there anything but integrity to prevent the Treasurer when he receives a deposit of a thousand dollars from issuing a certificate to you of \$2,000 ?—A. Not that I know of. I am compelled to accept his certificate without question.

Q. How soon would that be detected by any comparison in the department ?—I think at the end of the month.

Q. As often as once a month do you compare your issues of bonds with the Treasurer's account of his issue of certificates ?—A. My impression is that we do, but I am not certain about that. That report does not come to us in bulk.

Q. If every man is honest, the Treasurer's certificate, your order to the Register, and the bond which comes back from the Register and to which you affix the seal of the United States, and the official letters, must all agree ?—A. Yes, sir.

By Mr. INGALLS :

Q. Tracing the history of a transaction in the Bond Division from the period when the certificate of the deposit of the money issued until the bond is delivered to the person entitled to it, how many permanent records of the different steps are kept in the Treasury Department ?—

A. There is a record in the Treasurer's office and in the Loan Division of the Secretary's office and in the Register's office, and they have a report of this in the Public Moneys Division of the Secretary's office, which checks our office.

Q. And these various accounts or records are compared as often as once in thirty days, and they must all correspond or attention would be called to the discrepancy at once and the occasion of it detected ?—

A. Yes, sir ; as to all except the time. Comparisons are made frequently.

By Mr. WHYTE :

Q. In the Public Moneys Division of the Secretary's office, whence do they get the account of moneys paid into the Treasury for bonds ?—

A. From the Treasurer's office.

Q. How often does the Treasurer report to that office ?—A. That I am not so certain about, but I think daily.

By Mr. INGALLS :

Q. In order to accomplish the fraudulent issue of a bond of the United States, I understand you it would be necessary to procure the corrupt collusion of four distinct departments of the Treasury ?—A. To have everything appear right, yes, sir ; and a number of clerks in each office must know something about it.

Q. And must all corruptly conspire to the same end ?—A. Yes, sir.

By Mr. BECK :

Q. Does your office keep an account of the expenses of the loans ?—

A. We have that.

Q. In the division of which you are chief ?—A. Yes, sir.

Q. In what form do you keep those expenses ; in regard to each bond that is issued, or how is it kept ?—A. It is a general account ; ours is really a memorandum account only.

Q. For example, on the 1st of July, 1870, the United States had outstanding the bonds indicated in the monthly statement for the 1st of July, 1870, which I show you. Now, on the 1st day of January, 1880, it has outstanding the character of bonds indicated on the January statement of this year. Does your office enable you to tell us what it cost the government to make the change from that class of bonds out in 1870 to the class of bonds now outstanding ?—A. You mean the commissions ?

Q. I mean everything—commissions, double-interest, &c. ?—A. I cannot tell about double-interest.

Q. Why not ?—A. We have not any account of it.

Q. Who has an account of it ?—A. I do not know.

Q. Is it not kept in the department ?—A. I do not know ; that I have never had charge of.

Q. Can you not in your division, or some other division, tell us what we have had to pay to make the change from the class of bonds existing in 1870 to the class of bonds existing on the 1st of January, 1880 ?—

A. I cannot now.

Q. Is there information in your office that will enable you to do it ?—

A. I do not know that there is.

Q. Is there any information in any office of the Treasury Department that will enable you to do it, and, if so, which one ?—A. I am not informed.

Q. Why is not double-interest part of the expense of making the transfer, as well as commissions ?—A. I am not able to answer. I do not think the account has been kept so as to ascertain that exactly.

Q. Can you give us now the cost of the refunding that has been had from July 14, 1870, up to the present time, so as to tell us what it cost us to have the change made that is indicated by the two sets of tables which I have exhibited to you ?—A. So far as commissions and expenses are concerned, I can. I cannot furnish a statement of what is called the double-interest from any records we have in the division.

Q. You refer to the half per cent. commission that was allowed, I suppose ?—A. Yes, sir.

Q. We made a general appropriation of one-half of one per cent. You know how much of that has been paid out, and that is all you can furnish us ?—A. Yes, sir.

Q. Where would application have to be made to ascertain what it has cost us to change the bonds of 1870 to the present existing bonds ?—A.

I do not understand how that can be done without taking up every item and going through it, and I do not know that there has been any account kept of it.

Q. Do you think that the people of the United States, or the Congress of the United States, have no means of knowing what it has cost them to make that change in the bonds?—A. I think it can be done by taking up every individual transaction, of course.

Q. But there is no account kept of it?—A. I do not know of any. Perhaps I can illustrate the course of business of the office. I have here a certificate of the form issued by the Treasurer. It contains a statement of both principal and interest; we examine it and we see that it is right before we issue the bonds. Upon this particular certificate bonds were issued, with interest from January 1, 1879, so as to pay back the depositor the amount of interest paid; the bonds being dated March 1. Upon our order the Register issues the bond. We have also a complete detailed record of the issue.

By the CHAIRMAN:

Q. I understood you to say that the Treasurer and you compared accounts, probably once a month?—A. Yes, sir. We do not go through all our accounts with him.

Q. The bond account I am speaking of?—A. Yes, sir.

Q. Have you done that with the Treasurer as often as once a month?—A. There is no regular time, but we know he has a sufficient sum deposited for the amount of bonds issued.

Q. How do you know that?—A. By comparison with his amounts, statements from him that he has a certain amount of money deposited.

Q. From the certificates he sends you?—A. Yes, sir.

Q. Have you anything but those certificates?—A. Only memoranda; nothing further.

Q. Am I to understand that when a bond was issued on the first day of the month, or the last day of the month, you would go down or send down to the Treasurer and compare the bonds issued during that month with the amount of money in the Treasury on account of bonds?—A. The amount deposited. We find that he has a sufficient amount deposited to cover the amount issued. We do not go down there and examine every individual item of his, but the total amount, because sometimes we do not issue in the month for all the deposits of that month. They sometimes run over several days, perhaps a week; sometimes two weeks. Last spring we were so that we were two or three weeks behind.

Q. Do I understand that you and the Treasurer, every six months, or at any time intervening between six months, compare the amount of bonds that has been issued with the cash in the Treasury on account of bonds?—A. His account of it; his reports of it.

Q. Where do you get his reports?—A. His reports come to the Public Money's Division of the Secretary's office, and from that to our office, and we check them.

Q. You get it there, and not from the Treasurer?—A. Yes, sir; but we do ascertain from him that he has a sufficient amount in bulk.

Q. How do you ascertain that?—A. By sending down and finding the condition of his accounts; how much has been deposited.

Q. Have you any person that has been down within the last six months and made that examination, or have you done it yourself?—A. I used to do it myself, and I think I can furnish you a man who has been down within the last six months.

Q. Have you a written statement of the comparison at any time?—  
A. I do not know that we have preserved anything of the kind, but it may have been done.

Q. You spoke of the Public Moneys Division being a check. How is the Public Moneys Division a check on the issue of bonds?—A. That division of the Secretary's office receives a report from the Treasurer of the certificates sent to our office.

Q. Each one?—A. Yes, sir,

Q. How does that office know that it compares with the certificates in your office?—A. We check them.

Q. Who checks them?—A. Our office.

Q. Then it comes back to your office after all as being the only office that makes the checks?—A. Yes; but after that has been checked then it is compared with the Treasurer's account by the Secretary's office, though not our division of it.

Q. Whose division is that?—A. That is by the Warrant Division.

Q. I understood you to say that when a certificate came from the Treasurer to your office, you issued an order direct upon the Register and the Register issued a bond for the amount that you ordered him to do, and then it came back to your office for check, and then it was ready for delivery?—A. Yes, sir.

Q. That being so, where would four persons have to make collusion to get a fraudulent bond out?—A. That was, I said, to have everything appear all right in all the offices.

Q. I am speaking now especially of a bond. Your clerk or yourself issues an order for a \$2,000 bond when \$1,000 was deposited, or you originate an order; it matters not which. The order goes directly to the Register and the bond comes to your office, and then it is ready for delivery. That is the case, is it not?—A. It goes to the register for delivery.

Q. The order goes to the Register, he registers it, no matter what it is; it comes directly back to your office as a bond, and then it is ready for delivery to the purchaser?—A. It is delivered by the Register to the purchaser.

Q. Do you still say it would take four officers?—A. I did not state four officers.

Q. Well, four persons?—A. The way the thing goes, to give you a distinct account of it—

Q. I would rather have an answer to the question directly. A certificate comes from the Treasurer to you to issue a bond for \$1,000; you issue an order upon the Register to issue a bond for \$2,000 if you choose to do so. Of course I do not say you would do so; but I am supposing a case. That order goes to the Register; the \$2,000 bond is issued and comes to your office; it there receives the initials or the stamp that you may put on; it goes back to the Register, the office whence it came, ready for delivery. That is the plain statement, is it not?—A. Yes, sir. It would require collusion of a number of clerks in my division to do that. I do not do that. I sign it after it has been compared. The order has been made out from the certificate of deposit and compared by two others, and then I sign it on their check.

Q. It depends on the integrity of your office whether the bond is given according to the correct amount or otherwise?—A. I did not suppose there was so much responsibility on us; but perhaps it looks that way.

Q. Are you familiar with the warrants?—A. No, sir.

By Mr. WHYTE:

Q. The name of what officers appears upon the bond?—A. The name of the Register.

Q. Is there no name of any other officer as a check upon the Register, put upon the bond?—A. No, sir; there are initials of two clerks who are required to make a critical examination of the order and the bond to see that they correspond.

By Mr. BECK:

Q. Do you send the Treasurer's certificate to the Register along with the order for the bond?—A. No, sir; we retain that as our voucher.

Q. Has the Register any means of ascertaining that he has issued a bond in accordance with the certificate of deposit sent you by the Treasurer?—A. By referring to the Treasurer's accounts.

Q. No other way?—A. Not that I am aware of.

Q. Nothing in his office to indicate it?—A. No, sir.

Q. And the bond never goes back to the Treasurer for him to see that it has been issued in accordance with the certificate he sent out?—A. No, sir.

Q. Then, suppose the Treasurer sends you a certificate for a thousand dollars and you issue a bond for two thousand dollars, has the Register any means of knowing that your issue is incorrect, at the time of the issue at least?—A. No means except by examination.

Q. Therefore, until your books are examined there is no officer but yourself, that I observe, who could tell that you had issued a bond for two thousand dollars instead of for one thousand dollars; or if so, who could?—A. There are clerks in my office.

Q. But you can do all this yourself. I am not saying you would, but whatever is done in your office you have a right to do yourself, have you not?—A. Yes, sir.

Q. And you need not consult any clerk at all, so that one officer in your bureau could issue a two thousand dollar bond when the certificate only came for one thousand dollars, and until your own books were examined no other officer would necessarily know that you had made an over-issue? If it is otherwise, which officer would know it?—A. I do not know that any one would know it.

Q. So that it may depend on the action of one man in your office until an examination is made of your books?—A. Yes, sir.

Q. And that examination of your books is made about how often?—A. I can hardly tell that. We compare with the Register quite frequently; we compare with the Treasurer, that is, we ascertain before the debt statement is made up every month; but we do not make a critical examination of every item then.

Q. Is there any law requiring any examination of your books at any stated period by any other officer of the government?—A. No, sir.

Q. Then what would prevent a dishonest man, occupying the position that you now occupy, from issuing a bond for double the amount of the certificate sent him by the Treasurer, and how could he be detected until his books came to be examined?—A. I do not know that there would be any way of detecting it before the examination was made.

Q. And that examination is not made at any fixed time in accordance with any law that you are aware of?—A. Not that I am aware of.

Q. So that a dishonest officer could hold back his books for a very long time, could he not?—A. We are open to inspection all the time. I do not know that we could hold them back at all.

Q. There is no law requiring that examination to be made as a check over that officer at any given time that you are aware of?—A. No, sir.

Q. When these examinations are made, are they made carefully to see that each one of the offices compares exactly with the other?—A. Yes, sir.

Q. What is the object of making the examination?—A. To see that there has been no mistake.

By the CHAIRMAN:

Q. Is not the examination somewhat in this form that you give the Register, and he gives you the total amounts instead of going over and checking every bond that has passed between you?—A. At the end of the month they examine the amounts issued, and then we compare, and if our totals agree it is supposed to be correct.

Q. It is the total amounts you look to, and not each separate transaction?—A. Unless there is a variation.

By Mr. WHYTE:

Q. You look at the aggregate amount and if the aggregate amount agrees you do not then go back to see whether each one of the items making up the aggregate is correct?—A. No, sir.

By Mr. INGALLS:

Q. Take the case of the issue of bonds to Emily Stearns, you have brought the certificate of for our inspection. It appears that on the 1st of March, 1879, she deposited the sum of \$15,083.84 on account of subscriptions to the consols of 1907. Let me ask you if in the office of the Treasurer of the United States there was when that money was deposited a book account opened with Emily Stearns?—A. That I am not familiar with.

Q. You do not know whether that was made the subject of a book entry in that office or not?—A. No, sir. I of course suppose it was, but I do not know anything about it.

Q. You do know that upon that money being deposited duplicate certificates issue, one of which is sent forward and one of which is retained in the office as a memorandum of the transaction?—A. I suppose they keep an account of it.

Q. You have brought both here?—A. Yes, sir. One was intended to be given to the depositor and the other to be filed in our office.

Q. As evidence to the depositor that the deposit has been received?—A. Yes, sir.

Q. When this account came to you of Emily Stearns, was there a book entry of the transaction made in your office?—A. Yes, sir.

Q. A regular ledger account, debtor and creditor?—A. A regular account, not a credit account, but it is a regular entry on account of the loan, showing the name of the depositor, the amount of money deposited, the account for which the deposit was made, principal and interest.

Q. And then, as I understand, upon this certificate being received the bond is issued?—A. I issue an order on the Register for the bond.

Q. Is there a book account in your office of this order?—A. Yes, sir.

Q. That appears as a permanent record in the office?—A. Yes, sir.

Q. That is transmitted to the Register?—A. Yes, sir.

Q. And upon it a bond is issued?—A. Yes, sir.

Q. Is there a book account kept in the Register's office of the bonds issued?—A. Yes, sir.

Q. Stating the name of the person to whom they are issued, and the amount, and the date?—A. Yes, sir.



Q. And when that is done the bond is delivered to the person entitled to it?—A. That does not complete it. That bond then comes to our division, and there we make a permanent and independent record from anything that has been before.

Q. Then there are two permanent records in your office of the transaction?—A. Yes, sir.

Q. And when that record has been made the bond is ready for delivery?—A. Yes, sir; when I have put the seal and the initials on it.

Q. The bond is then ready to be delivered to Emily Stearns?—It is returned to the Register for delivery to Emily Stearns.

Q. Is there a further memorandum made of the sending forward of that bond to the Register?—A. He obtains a receipt for it.

Q. And that also is filed in your office?—A. Filed with the Register.

Q. And when that has all been done, the bond is then ready for delivery to the person entitled to it?—A. Yes, sir.

Q. Let me ask you further in regard to the Division of Public Moneys. You said there was some method in which this transaction would also appear there. State clearly what that is.—A. A statement of the issue of certificate by the Treasurer is reported by him to the Secretary's office, the Division of Public Moneys.

Q. When is that reported, then?—A. I think it is on the same day.

Q. Simultaneously?—A. I think so; I am not so certain of that, whether it is made daily or weekly, but I think daily.

Q. Are you able to state whether there is also a permanent record of the transaction made upon this report from the Treasurer in the Division of Public Moneys?—A. I think there is, but I am not certain. I do not think I have been over it.

Q. Now, taking the case of Emily Stearns, in order to have secured the successful issue of \$20,000 of bonds, we will suppose for illustration, upon her deposit of \$15,000 in money, and to escape detection, would it not have been necessary to have secured the corrupt, simultaneous collusion of men in each one of these four departments of the Treasury, including the knowledge of a large number of clerks and subordinates?—A. Yes, sir.

Q. So that the honesty of the issue of a bond does not depend upon the integrity of any single official of the Treasury Department?—A. No, sir; not to have everything appear right.

Q. I am talking about the accomplishment of a successful fraud on the government.—A. It would not.

By the CHAIRMAN:

Q. What do you mean by everything appearing right? Is it the bonds appearing right or the books appearing right?—A. The entries all appearing right, and the bonds going out so that the fraud could not be detected.

By Mr. INGALLS:

Q. To secure the successful issue of a fraudulent bond the entries must all be the same, must they not; because the moment you begin to compare the accounts of these different offices the discrepancy will appear, the attention of the officials will be directed to that, search will be made, and then, of course, the occasion of the discrepancy would appear, would it not?—A. Certainly.

By the CHAIRMAN:

Q. Describe now, as closely as you can, the manner in which a bond is issued and everybody's hands through whom it passes before it is de-

livered to the subscriber. If I want to buy a bond for a thousand dollars to-day how would I have to do, and when should I get the bond in my hands after making a deposit at the Treasurer's office?—A. He would issue a certificate, send that to the Secretary's office, and on that we should issue our certificate or order on the Register, who would prepare the bond upon that. Having prepared it, he would deliver it to the Loan Division of the Secretary's office for the impression of the seal and the initialing and record. Then it would go back to the Register's Office for delivery.

Q. Then if I apply to-day to the Treasurer for a thousand dollar bond the certificate would go to your office, the Loan Division, and an order would go from there to the Register to issue a bond, and it would be issued and come back to your office again for the seal?—A. For examination and the seal, to see that it agreed with our directions.

Q. Then you would send it to the Register again for delivery?—A. Yes, sir.

Q. No other person sees the bond legally?—A. Of course there are a number of persons in each office who see it.

Q. That is the full description of applying for the delivery of a bond?—A. Yes, sir.

Q. Then it passes through no office but yours and the Register's?—A. Those are all.

Q. I understood you to say that the Public Moneys Division and yours made comparisons as often as once a month?—A. There is not any absolute time, but we compare frequently.

Q. At your own option?—A. Yes, sir.

Q. These comparisons are not made under law or general instructions, but at such times as you may think best to make them?—A. Yes, sir.

Q. When they are made, is it not the custom to take the aggregates between the dates, and when you make up the aggregate for your office, and the Treasurer makes up his aggregate, and the Public Moneys Division their aggregate, if these aggregates agree, do you go any further?—A. We check by items.

Q. On what?—A. On the reports furnished us.

Q. Do they furnish you all the items?—A. Yes, sir.

Q. Who furnishes you all the items?—A. They come to my division from the Public Moneys Division.

Q. What items?—A. Each certificate has one item for principal, and one item for interest.

Q. Do you keep an account of principal and interest?—A. So far as this loan is concerned.

Q. Then you can tell me how much accrued interest has been received.—A. How much we have received?

Q. You have not received any money?—A. How much accrued interest has been paid in; we can tell that.

Q. Do you keep an account of the accrued interest?—A. Yes, sir.

Q. I understood you a short time ago to say that you did not.—A. We only keep it to see that each item is correct.

Q. Can you tell this day how much accrued interest on bonds has been paid into the Treasurer's office in the last five years?—A. I do not think that we can, all of it.

Q. I understand, when your comparisons are made, if the aggregates are correct, you accept them with one another throughout. Is that the way, or not?—A. No, sir; we check the individual items, and I suppose that the warrants show what is interest and what principal. We check

the items, but do not keep an account of the warrants, or of the statement that goes with each warrant.

Q. The Treasurer here probably does not receive one-twentieth part of the subscriptions, which are mainly in New York. Do you check them?—A. Yes, sir.

Q. How?—A. In the same manner.

Q. In what manner?—A. By items.

Q. Do they send them to you?—A. They send the certificates.

Q. The sub-treasurer at New York?—A. Yes, sir.

Q. For each bond that may be issued to A, B, C, and D, with the name of the person and the interest accrued?—A. Yes, sir; just the same as the certificate I have shown you here. We treat all the assistant treasurers the same as the Treasurer.

Q. They pass through the office of the Treasurer here?—A. The Treasurer has reports of them, but does not receive the certificates.

Q. They make duplicate reports to the Public Money office and to the Treasurer?—A. I believe they do.

By Mr. INGALLS:

Q. How long did you say you had been in this particular branch of the public service in the Treasury?—A. Fifteen years.

Q. Has there ever been to your knowledge a bond of the United States fraudulently or improperly issued?—A. Not that I know of.

Q. Would you have been apt to know if there had been?—A. I should.

By the CHAIRMAN:

Q. How would you know if there was a fraudulent bond out to-day?—A. We should know by the numbers. We always compare our books after we complete a loan, and see that it exactly compares with the deposits on account of the loan, and if there was an excessive amount issued we could determine it by the denominations and numbers of the bonds.

Q. If a fraudulent bond was issued, there would be no entries of it at all probably?—A. But they are numbered consecutively, and unless we could account for every number, there would be something wrong.

Q. But if I owned a bond, how would you ever see it or know anything about the number?—A. We keep a statement that shows that.

Q. How could you show it if it was fraudulent?—A. The bonds run numerically, and we know the highest number issued and the lowest number.

Q. But suppose there were duplicate numbers; what would you know about them? How could your office tell if there were duplicate numbers?—A. We should have a record of the first number, and if duplicates were issued we should detect it by examination.

Q. How?—A. We examine carefully.

Q. You do not say, though, how you could examine them. If I am the owner of a bond fraudulently issued, I do not bring it here and show it to you.—A. The bonds of each loan are issued and numbered consecutively, and delivered upon the order of the Secretary to the Register.

Q. That is not the point. The point is that I am the owner now of a fraudulent bond. Of course there would be no entry of it if it was fraudulent.—A. I do not see how they could get it out.

Q. That is not the question. The question is, would you know if it was out, and how would you know it?—A. If a duplicate bond came in we should know whether it was genuine.

Q. Of course you would if it came in, but suppose it did not come in.

You would not know it by paying interest, because the coupons are never checked. The Treasurer pays interest on every coupon that is presented.—A. The coupons come in, and we have an account of them kept in the Register's office, and they would know about it immediately.

Q. If that is so, how is it that what is known as Whittaker bonds were paid, and were out for some considerable time before some secret service officer found it out?—A. I do not know anything about them. Is that anything recent?

Q. I have forgotten the time, but about 1870, I think.—A. Perhaps you are referring to the Whittlesey bonds. That matter was very soon discovered. I can only tell what I have heard about that. I think it was before I was connected with the department, but I have seen the records. There was one page marked "not issued," the bonds having been abstracted.

By Mr. BECK:

Q. In the certificate you have handed us it appears that Emily Stearns paid the money directly to the Treasurer. Do you understand it in that way?—A. Yes, sir.

Q. The Treasurer receives the money directly from the party making the application?—A. Yes, sir; or on her account.

Q. But it seems to be a direct payment?—A. Yes, sir.

Q. Are you a bonded officer?—A. No, sir.

Q. Are there any bonded officers in the Secretary's office?—A. None of the chiefs of division that I am aware of.

Q. If Emily Stearns and yourself—supposing that case—had determined to make a fraudulent issue, to issue \$30,000 instead of \$15,000 upon that certificate of the Treasurer, was there any way to prevent you from issuing, and Emily Stearns from getting, \$30,000 of bonds except the integrity of yourself and Stearns?—A. No, sir.

Q. The detection you think would have followed immediately?—A. I do.

Q. But the issue could have been made if you and Emily Stearns had seen fit to collude?—A. Yes, sir.

Q. Do you know whether the Division of Public Moneys receives from the Treasurer daily the items as received by the Treasurer, or just the aggregate received by him?—A. I said that I did not know whether they received it daily, but I think they do.

MELLEN C. HOOKER sworn and examined.

By the CHAIRMAN:

Question. Are you engaged in the Register's office of the Treasury Department?—Answer. I am.

Q. What is your occupation?—A. I have charge of the Register's files.

Q. Have you charge of the general warrants of the Register's office?—

A. What do you mean by "general warrants?"

Q. I mean the warrants that come to the Treasurer's office, of moneys paid on appropriations, especially on permanent and indefinite appropriations?—A. I have charge of all appropriation warrants.

Q. Can you furnish us the permanent and indefinite appropriation warrants for 1868 and 1870?—A. I know nothing why I cannot. I suppose they are on file.

Q. Then if you will get us the permanent and indefinite appropriation warrants for 1868 and 1870, we shall be obliged to you.—A. I might say by way of explanation that I had an order for one warrant; I think it was in 1870, and I think it was an indefinite warrant, and it was not on file. If that is the one you refer to, I am not able to furnish it.

Q. Why can you not furnish it?—A. It does not appear on my files, and never has been there since I have had charge of them.

Q. How long have you had charge?—A. I think a little over two years.

Q. (Exhibiting.) Here is a warrant for the permanent and indefinite amounts appropriated for 1869. Is that the warrant?—A. (Examining.) It may be, but I cannot tell; I am not supposed to be conversant with all the ins and outs of these warrants. They simply apply to me for them, and I furnish them by number and date.

Q. Was that warrant furnished by you to this committee?—A. Yes, sir.

Q. What is the total amount of that warrant; how much does it transfer?—A. I do not know.

Q. Examine the warrant and tell us the aggregate amount the warrant is for.—A. (Examining.) There appears to be a final footing here, which is \$397,945,900.96. I do not know, any further than that, what it means.

Q. What do you say to us of the corresponding warrant of June 30, 1870? Can you furnish it to us?—A. I cannot tell without referring to my files.

Q. Go to your files, and let us know as soon as you can.—A. I will. The CHAIRMAN. Here is a warrant which is offered in evidence. It is Treasury appropriation warrant, permanent and indefinite, of the 30th of June, 1869, apparently transferring all the permanent and indefinite appropriations for that year to the parties who had the expenditure of them. It is a general warrant, making that transfer, and I want to call attention to several erasures on the warrant—several changes of amounts.

The witness, MELLE C. HOOKER, after being absent for some time, returned, and his examination was continued as follows:

Q. (By the CHAIRMAN.) What report do you make?—A. The warrants for which your memorandum calls, namely, No. 895, dated June 30, 1868, and No. 947, dated June 30, 1870, do not appear on the files, neither have they been on the files since I have been custodian of the warrants.

Q. Can you direct us to any place where we should be likely to get information connected with them?—A. I cannot.

Q. Have you made inquiry or search for them yourself?—A. I have; diligent search.

Q. What has been the result?—A. Diligent search on my part has failed to reveal their whereabouts; search made as soon as I ascertained that they were gone.

Q. How long is it since you have known that they were gone?—A. A little over two years.

Q. Have you made search diligently at intervals since?—A. No; I have not.

Q. Have you informed the Register of their absence?—A. I have.

Q. Do you know any place or anybody to whom we could apply that could give us further information about them?—A. I do not.

Q. Do you know what those warrants are?—A. I do not. I never saw them.

Q. From the nature of them would you know whether or not they were similar warrants to the one that was shown to you awhile ago?—A. I could not tell unless by comparing them.

Q. Can you find us the warrant that covers in the gross amount of the permanent indefinite appropriations to the 30th of June, 1870?—A. I cannot.

By Mr. DAWES:

Q. When did you come into the custody of these warrants?—A. I think it was a little more than two years ago.

Q. Have you any other business with them except to keep the warrants as a custodian?—A. I have not.

Q. Have you any knowledge of their contents?—A. I have not.

Q. I have one here which bears the number 919, and bears the date of the 30th of June, 1869. This was received from you as its custodian, was it not?—A. It was.

Q. Upon this is the memorandum, "Reg'd August 18, 1869, H. M. G." Can you state what that means?—A. I cannot tell certainly what that means; I never inquired what it meant; I never had any knowledge of it any more than I inferred from the reading; "Reg'd" appears to stand for "Registered August 10, 1869." Whether it was registered, or how it was registered, I know nothing of.

Q. But from that, would you infer that it was registered somewhere?—A. I should suppose it was.

Q. In another place I see "Posted 30 June, 1869," with initials "F. K." You do not know from your personal knowledge what that means, do you?—A. I do not.

Q. But from that you would infer that it was posted somewhere?—A. In like manner I should suppose that there had been another entry made of that warrant in a book.

Q. Do you understand that there are duplicates or triplicates of all warrants issued?—A. I understand that there were from a certain time. I am unable to tell that time now, duplicates or triplicates.

Q. What was done with the duplicate or triplicate?—A. If my recollection serves me aright the duplicate is held by the Comptroller, and the triplicate by the office in whose favor the warrant is made.

Q. Have you been asked by any one to search for a register of warrant 895 of June 30, 1868, and the other one on memorandum?—A. I have not.

Q. Or for any place where they were posted?—A. I have not.

Q. Have you been asked by any one to see if there is a duplicate of either of these warrants with the Comptroller?—A. I have not.

Q. Or with the division or office in favor of which it was issued?—A. I have not.

Q. This warrant which I show to you is countersigned by the First Comptroller and by the Register, is it not?—A. It is.

Q. Have you inquired at either of those departments of the Treasury in reference to the warrants of June 30, 1868, and June 30, 1870?—A. I have.

Q. Did you find any trace of them in either of those places?—A. I did not.

Q. Or a copy of them or what purports to be a copy of them?—A. I did not.

Q. You have not inquired whether they have anything in those offices?—A. I have not inquired about anything in reference to copies of those two warrants. I have inquired for the original warrants themselves.

Q. Which it was your business to keep?—A. Yes, sir.

Q. But they were not there?—A. They were not there.

Q. But whether they had duplicates or triplicates of them you did not inquire?—A. I did not.

Q. It was simply to find the particular original papers?—A. Yes, sir.

Q. Can you make any inquiry in any quarter in the department to ascertain whether there is a record of either of these two warrants, and inform us?—A. I can.

The witness left the room, and after an absence of some time returned, when his examination was resumed as follows:

By Mr. DAWES:

Q. What have you ascertained in reference to duplicates and triplicates of those warrants to which your attention was called?—A. I have ascertained that there are duplicates of those warrants which are missing on file in the Warrant Division of the Secretary's office.

Q. Anywhere else?—A. I think not. There is also a register of these warrants, which can be had at any time.

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EUGENE B. DASKAM sworn and examined.

By Mr. INGALLS:

Question. You are the chief of the Division of Public Moneys in the office of the Secretary of the Treasury?—Answer. Yes, sir.

Q. State what record, if any, is kept in your office touching the moneys received for bonds of the United States.—A. Subscription to bonds, you mean.

Q. Yes, sir. Take a case where a person desires to purchase bonds of the United States, and makes a deposit with the Treasurer for that purpose?—A. Or at a national bank depository or with an assistant treasurer. We get a weekly statement, what is called a transcript of the Treasurer's general account. All moneys so deposited are deposited to the credit of the Treasurer of the United States subject to his check. We get a weekly transcript of the Treasurer's account with each bank and depository.

Q. From what source does that emanate?—A. From the assistant treasurer, if the money is deposited there; from the national bank depository if deposited there.

Q. What is done with that statement?—A. We make a record on our books of all those receipts.

Q. What does that statement show specifically?—A. It shows the amount deposited, on what account deposited, and by whom deposited.

Q. The name of each individual depositor?—A. Usually.

Q. The purpose for which deposited?—A. Yes, sir. Accompanying that transcript is usually a list of deposits showing the name of the depositor, on what account deposited, and the amount. We compare those lists, and they are forwarded to the warrant-room of our office for warrant covering them in.

Q. What record is kept of that list; is there a book account of it?—A. We have a book account of the entry, and we make up a list from that and check it, and when the warrant is issued the warrant comes back to our room, and we put the number of the warrant against the amount so deposited.

Q. In case a subscription is made for the purchase of a bond, is there a warrant issued in that office covering that subscription eventually?—A. No; we do not issue any warrants. We prepare lists on which the warrants are issued.

Q. By whom is the warrant issued?—A. In the Warrant Room. Major Power has charge of it.

Q. In whose division is that?—A. Major Power's—Warrants and Appropriations.

Q. Then I understand you to say that in the case of every individual subscription for a bond accompanied by a deposit or payment of money there is in that division a warrant covering that specific amount, in addition to the other processes you have described?—A. Yes, sir; in the Warrant Room. In other words, the warrants are issued from that room. We do not issue warrants.

Q. State further to the committee what comparison is made between these statements that are received by you and the other transactions relative to these subscriptions in other branches of the Treasury.—A. I do not think I understand you.

Q. I desire to know whether these accounts of yours are compared with the accounts of the Loan Division, for instance?—A. Yes, sir.

Q. When?—A. Every list is checked both by the Loan Division and by the Division of Accounts of the Treasurer's Office before going to Mr. Power. I did not state that before. We first prepare the lists and they are sent to the Loan Division, are checked there, and then are sent to the Treasurer's office, Division of Accounts, and are checked there. They get those two checks on them before any warrants are issued. There is a check on the depository and the depositor, that is in the Loan Branch, for that particular work; they have the original certificate, and on all other accounts we have the original certificates of deposit also in our division, and one is a check against the other, but in loan matters the Division of Loans has the original certificate of deposit, and we send the list there for check.

Q. How long after the transaction closes in your office is the warrant issued in the division of Mr. Power?—A. There is no regular time.

Q. As a matter of experience in loan matters, particularly?—A. I think they have been sometimes quite a long time, particularly during these heavy loan transactions; they could not get time up there to check them.

Q. What do you mean by "a long time"?—A. Perhaps a list has been up there a month or six weeks.

Q. Ever longer than that?—A. I do not know but they may have been longer.

Q. In the ordinary process of business when there is not the accumulation that arose from that emergency, what would be the period that would ordinarily elapse?—A. They might come down the next day, or not more than two or three days off.

Q. How soon, then, in the ordinary course of business in case of any improper or fraudulent transaction in the Loan Division would the knowledge of the affair come to your office?—A. I do not see how any fraud could occur in the Loan Division from any transaction connected with the list. It is only on the list the warrant is issued. If the list does not come back there would not be any warrant issued; we should have to prepare a new list.

By Mr. WHYTE:

Q. After this money is deposited with an assistant treasurer or a de-



pository bank, and is certified to your office by the transcript, then you prepare the list and send it to the Warrant Division?—A. We first get those two checks, one from the Loan Division and the other from the Treasurer's Division of Accounts.

Q. After sending that transcript which you have received, either from the depository bank or the assistant treasurer— A. Excuse me; we do not send the transcript: it is the list we send which is made up from the transcript.

Q. After you get the transcript from the assistant treasurer's, or from the depository banks, then you make up a list. If it refers to loans, it is sent to the Loan Division. Then you send a list also to the Warrant Division?—A. The same list.

Q. After it has been checked by the Loan Division?—A. By the Loan Division and by the Treasurer's office. There are two checks.

Q. You then send it to the Warrant Division, and then a warrant issues to the Treasurer authorizing him to receive it. Is that the way?—A. No; that warrant is what is called technically covering the amount into the Treasury.

Q. But what is the object of that if it is not to be a check upon the Treasurer?—A. That form goes away back to the Constitution; all moneys are covered into the Treasury by warrant.

Q. Exactly; but it is done after the transaction is over?—A. O, no. As a matter of fact the amount may be deposited for six months or a year and not be technically covered into the Treasury by warrant.

Q. So it is all done after the transaction has taken place, and not prior to it?—A. What is all done?

Q. All these issues of warrants. There is no check upon the Treasurer by the issue of these warrants at all; the transaction has taken place before the warrant is issued?—A. The Treasurer receipts on this same warrant; he acknowledges the receipt.

Q. But it is all after the transaction is over. He has received the money into the Treasury long before, as a general thing?—A. It may be to his credit in San Francisco, or Charleston, or Saint Louis, or in the office here for months before it is technically covered into the Treasury by warrant.

Q. Then this warrant business is a mere matter of red tape; the thing all done before that?—A. I do not know that I understand what you mean is not done.

Q. Before you authorize the Treasurer to receive the money he has long before received it to his credit?—A. It goes to his credit the very minute it is deposited with the assistant treasurer.

Q. Goes to the credit of the Treasurer?—A. All public moneys go to the credit of the Treasurer.

Q. But where is the check upon him in the Warrant Division to show that, or that he received the money; and if the warrant is not issued after he receives it authorizing him to receive it, what check is there upon him in the Warrant Division?—A. That is too hard for me.

By Mr. BECK:

Q. Let me put a case to you. Suppose I wanted to buy four per cent. bonds to the amount of \$10,000, could I not go directly to the Treasurer's office here in Washington, pay the money to him, get a certificate from him to that effect, and carry it to the Loan Division and get my bonds?—A. Yes.

Q. Without coming to you at all?—A. You need not come to our division at all.

Q. I can pay the Treasurer the money?—A. Deposit the amount in the cash-room of the Treasurer's office and get a certificate of deposit.

Q. Take it to the Loan Division and have an order from the Loan Division on the Register to issue me the bonds?—A. In due course of time you would get your bonds right on that.

Q. Without coming to your division at all?—A. Yes, sir.

Q. How soon after I deposited that \$10,000 with the Treasurer would it be before he would inform you of the fact of that deposit?—A. I should get the transcript the next day.

Q. Does he give it to you daily or weekly?—A. Weekly.

Q. You might get it the next day, or, if I did it on Monday morning, you might get it the next Saturday?—A. Yes.

Q. So you would not necessarily get it the same day or the next day, but you would get it in the ordinary course of business the same week?—A. Yes, sir. With some of the offices we have a daily transcript, and with some of the others weekly. I think we have it weekly from the Treasurer's office.

Q. So that, if I succeeded in getting my order for \$10,000 of bonds, and the chief of the Loan Division should issue them for \$20,000, it might be a week before you would get any papers that would be a check upon his issue, might it not?—A. Yes.

By the CHAIRMAN:

Q. Take the same transaction that Senator Beck has just spoken of, would you get the particular amount that Mr. Beck had deposited for his bond, or would it come to you in the transactions of the office in a lump; so much money received to-day?—A. We would not get the money at all, but the cash-book would show that Senator Beck, or whoever the depositor was, had deposited on t at particular day the sum of \$10,000 on account of principal, and so much on account of interest of 4 per cent. bonds as subscription.

Q. What would you do with that?—A. At the end of the month, that, with lots of others, would be listed. It makes a list of several hundred, perhaps. We only cover in about once a month. At the end of the month we cover in from all the different offices. One list is prepared covering perhaps millions of dollars.

Q. What do you do with it?—A. We send it to the Loan Division to be checked. After it comes back it is sent to the Treasurer's to be checked, and after that it goes to the Warrant Room for the issuance of a warrant.

Q. It would go to the Loan Division to be checked?—A. By the subscription.

Q. To any other office?—A. None but the Loan Division and the Treasurer of the United States.

Q. Then, if the Loan Division checked it, that having been the division that issued the bond, it would be all right?—A. Not unless the Treasurer also checked it. The Division of Accounts of the Treasurer's office would have to check it also.

Q. Before it comes to you?—A. Before it comes back to the Warrant Room for a warrant. The list is prepared in my division, is sent to the Loan Division for check, comes back again to my division, and I send it around to the Division of Accounts of the Treasurer's office, and it is also checked there. Every assistant treasurer sends a transcript both to the Secretary of the Treasury and to the Treasurer of the United States.

Q. It goes back to the Treasurer, and the Treasurer checks it if it is

for the same amount that was paid in?—A. It is a different branch of the same office.

Q. The Loan Division is the one that checks to see whether it corresponds with the amount of the bond issued?—A. That is the voucher as I understand for issuing that amount of bonds. They would not issue an amount of bonds in excess of the amount deposited.

Q. The bond order which comes back to the Loan Division for check, being for \$10,000, if that amount has been paid in, is there checked, and then goes to the Treasurer?—A. Yes, sir.

Q. He checks it, it being the right amount, and then it comes for a warrant?—A. Yes, sir.

Q. Then, if the Loan Division issued a bond for \$20,000 instead of \$10,000, and chose to check that \$10,000 when it came back, that would be all in the Loan Division?—A. Yes; we have no check on the Loan Division in such a transaction.

By Mr. BECK:

Q. Have you in your division an account of the expenses of the public loans?—A. No, sir; the Loan Division has that.

Q. If I desired to ascertain what it had cost the United States to convert the bonds that were in existence July 1, 1870, into the bonds that are in existence now, have you anything in your office that would enable me to ascertain that cost?—A. No, sir; not in that division; I think the Loan Division would have; they keep an account of the expenses.

By Mr. INGALLS:

Q. How long have you been employed in the division where you now serve?—A. I have been chief of it a little over two years. When Mr. Upton, who was the former chief, was made chief clerk of the department, I was promoted to chief of the division.

Q. How long were you previously employed there?—A. I have been in that division since 1867 or 1868, as clerk and chief.

By the CHAIRMAN:

Q. Can you tell me whether or not all warrants for covering in on expending money originate in the Secretary's office?—A. All warrants of every kind and description, I think. All receipts are covered into the Treasury by warrant, and those warrants all come from the Secretary's office.

By Mr. INGALLS:

Q. Take the case of a deposit made for the purchase of United States bonds; how many separate, distinct, independent records of the progress of that subscription or payment can be found in the Treasury from the time the money is deposited until the warrant is finally recorded with the Register?—A. An amount is deposited, say, with the assistant treasurer at Chicago; he, of course, enters it on his books and credits it to the Treasurer of the United States; at the end of the week he makes a transcript of those books for that week, and on that transcript this deposit appears; he credits the Treasurer with that amount as received on that account; that transcript goes to the Secretary's office, a similar one goes to the Treasurer's office; when it gets to the Secretary's office at the end of the week, there we enter that transcript on our records which shows that it is really the same as that transcript which we have received; then we prepare the list on which the warrant covers it into the Treasury; that list goes to the Warrant Room and they check it from their records made from the original certificates of deposit; when the deposit is made a certificate is issued in duplicate or triplicate, as

the case may be, the original being forwarded to the Secretary of the Treasury to accompany the subscriptions; that original certificate of deposit should go up to the Loan Division; this list is made up from the assistant treasurer's report; one is a check against the other. The certificate is forwarded by the depositor and the transcript is made up by the assistant treasurer. We make up the list from the assistant treasurer's report and send it to the Loan Division, who get the certificate of deposit from the depositor. One is a check against the other. If he checks them off we send it around to the Treasurer; he checks it also, and it is then sent to the Warrant Room. The warrant is issued. That warrant, of course, is recorded in the Warrant Division; from there it goes to the First Comptroller; is recorded there; from there to the Register; is recorded there; and from there to the Treasurer of the United States, and there it is recorded, and then I think it goes back to the Register's files and is there to-day.

By Mr. BECK:

Q. In the case I put to you where I went to the Treasurer here and paid my money and got his certificate of that deposit, I could go to the Loan Division and get my bond from the Register long before even you received the transcript from the Treasurer?—A. Your point is whether or not the bond could issue before the amount is actually covered into the Treasury by warrant?

Q. Yes, and even before you had received information from the Treasurer that he had got my money?—A. I think that is possible.

Q. So that the checks you have are simply a means of detecting fraud after the fact, but may not at all prevent the illegal issue of a bond?—A. No; but the Loan Branch would not issue.

Q. Assuming that they are honest?—A. And they have got a certificate of deposit from the Treasurer of the United States showing that you have made that deposit.

Q. But what I desire to get at is, is there any check to prevent a dishonest chief of the Loan Division in collusion with me, the depositor, from issuing an illegal bond and keeping me from getting it in my possession except his own integrity? None of your checks reach him?—A. None of mine.

Q. And none of the subsequent checks you have developed would reach him until after the thing was done?—A. I think not; but I would not be certain.

By Mr. INGALLS:

Q. Have you ever known during your connection with the Treasury of the dishonest or improper issue of any bonds of the United States?—A. No, sir.

Q. If any had occurred the issue would have been detected, would it not?—A. I should suppose so, though the matter would not be in my division.

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WILLIAM WOODVILLE recalled.

By the CHAIRMAN:

Question. There are certain statements made by this committee and by the Treasury Department under our call that I handed you within a day or two and said to you I should want to use in evidence. Will you produce them?—Answer. Yes, sir; I present first the Secretary's statement of the Receipts and Expenditures of the Government for the fiscal years 1860 to 1879, inclusive, marked "Secretary No. 1," viz:

## SECRETARY No. 1.

Statement of the Receipts and Expenditures of the Government for the fiscal years 1860 to 1879, inclusive.

## RECEIPTS.

Year.	Balance in the Treasury at commencement of year.	Customs.	Internal revenue.	Direct tax.	Public lands.	Miscellaneous.	Dividends.	Net ordinary receipts.	Inter-est.	Premiums.	Receipts from loans and Treasury notes.	Gross receipts.	Unavail-able.
1860	\$32,535,840 03	\$53,187,511 87	.....	.....	\$1,778,557 71	\$1,088,530 25	.....	\$56,054,599 83	.....	\$10,008 00	\$20,776,800 00	\$76,841,407 83	.....
1861	31,815,209 47	39,582,125 64	.....	.....	870,658 54	1,023,515 31	.....	41,476,299 49	.....	33,630 90	41,901,709 74	83,371,640 13	.....
1862	30,497,304 71	49,053,397 62	.....	.....	182,203 77	915,122 31	.....	51,919,055 43	.....	68,400 00	520,682,460 50	581,679,915 98	\$11,110 81
1863	41,307,458 83	69,059,642 40	\$37,640,787 95	\$1,795,331 73	187,617 17	3,741,794 38	.....	112,094,945 51	.....	602,345 44	776,682,861 57	889,379,632 52	6,000 01
1864	34,853,751 10	102,318,152 09	100,741,134 10	1,485,103 61	598,333 29	30,291,701 86	.....	243,412,971 20	.....	21,213,900 40	1,128,834,245 97	1,388,461,017 57	9,210 40
1865	130,160,902 27	84,928,290 60	309,464,213 25	1,990,573 03	908,553 31	25,441,556 00	.....	322,031,158 19	.....	11,683,446 89	1,472,224,740 85	1,905,989,345 83	6,095 11
1866	31,177,687 00	170,040,651 58	309,228,813 42	1,974,754 12	665,031 03	29,038,314 23	.....	519,949,564 38	.....	38,083,055 85	712,851,553 05	1,270,884,173 11	172,094 29
1867	160,817,069 73	178,417,810 88	290,027,537 43	4,200,233 70	1,183,575 76	15,037,522 15	.....	462,848,679 82	.....	27,787,330 35	640,426,910 29	1,331,090,920 56	721,827 83
1868	184,076,537 09	164,664,509 58	191,087,589 41	1,788,145 85	1,348,715 41	17,745,403 59	.....	376,434,458 82	.....	59,203,629 50	625,111,433 20	1,030,749,516 52	.....
1869	158,938,082 87	180,048,426 83	158,356,460 86	765,685 61	4,020,344 24	13,997,338 65	.....	357,188,256 09	.....	13,755,491 12	238,678,081 06	600,621,828 27	*2,070 73
1870	183,781,985 76	194,538,374 44	184,899,756 40	229,102 88	3,350,481 76	12,042,118 30	.....	395,959,852 87	.....	15,295,643 76	285,474,486 00	688,729,973 63	.....
1871	177,604,116 51	206,370,298 77	130,642,177 72	580,355 37	2,986,646 68	22,063,541 21	.....	374,431,104 94	.....	8,892,639 85	268,788,523 47	632,092,468 36	*3,396 18
1872	138,019,122 15	216,370,298 77	113,729,814 14	315,254 51	2,575,714 19	15,106,051 23	.....	364,694,229 91	.....	9,412,637 65	305,047,054 00	678,153,921 56	*18,228 35
1873	134,666,001 85	188,080,522 70	113,729,814 14	.....	2,892,312 38	32,575,043 82	.....	322,177,673 78	.....	11,560,530 89	214,831,017 00	546,669,231 67	*3,047 80
1874	159,263,673 41	163,103,833 69	102,409,784 80	.....	1,862,428 83	32,575,043 82	.....	299,941,090 84	.....	5,037,665 22	439,272,535 46	744,251,291 52	12,691 40
1875	178,833,339 54	157,167,722 35	110,007,493 58	85,798 80	1,413,640 17	15,431,915 31	.....	284,020,771 41	.....	3,979,270 69	387,971,556 00	675,971,607 10	.....
1876	172,904,061 32	144,071,964 61	118,700,732 63	.....	1,129,466 95	30,437,467 42	.....	290,068,584 70	.....	4,029,290 58	397,455,808 00	691,561,607 28	.....
1877	149,909,377 21	130,956,483 07	118,630,467 83	.....	976,253 68	30,437,467 42	.....	251,000,945 00	.....	405,776 89	348,871,749 00	630,278,167 58	.....
1878	214,887,645 88	130,170,680 20	110,581,624 74	.....	1,078,743 37	15,614,728 09	.....	257,446,776 40	.....	317,102 80	404,561,201 00	662,345,079 70	.....
1879	286,591,453 88	137,250,047 70	113,561,610 58	.....	924,781 06	20,585,697 49	.....	272,322,136 83	.....	1,505,047 83	792,807,643 00	1,066,634,827 46	.....

\* Receipts from unavailable.

Statement of the Receipts and Expenditures of the Government for the fiscal years 1860 to 1879—Continued.  
EXPENDITURES.

Year.	War.	Navy.	Indians.	Pensions.	Miscellaneous.	Net ordinary expenditures.	Premiums.	Interest.	Public debt.	Gross expenditures.	Balance in Treasury at the end of the year.
1860	\$16,409,767 10	\$11,514,964 06	\$2,949,191 34	\$1,102,926 15	\$27,976,434 22	\$59,953,293 77	.....	\$3,177,314 62	\$14,431,350 00	\$77,561,048 39	\$31,615,296 47
1861	22,981,150 44	12,420,887 89	2,641,356 28	1,036,064 06	23,267,010 46	62,546,471 13	.....	4,000,173 76	18,145,900 00	84,689,544 89	30,497,394 71
1862	394,398,407 36	42,668,277 09	2,273,223 45	833,095 40	21,408,491 16	461,571,494 46	.....	13,190,324 45	96,066,922 09	570,858,741 00	41,397,458 83
1863	599,798,600 83	63,231,063 64	3,154,323 45	1,078,991 59	23,256,965 86	690,010,978 56	.....	24,729,544 61	181,996,635 07	895,827,860 24	34,853,751 10
1864	690,791,842 97	85,725,994 67	2,629,358 77	4,983,924 41	27,505,569 49	811,637,220 28	.....	53,085,421 69	432,822,014 03	1,298,144,656 09	130,160,902 27
1865	1,031,323,360 76	122,612,945 29	5,116,837 06	10,338,811 13	43,407,658 01	1,218,439,612 30	.....	77,397,712 00	607,361,241 68	1,904,916,466 09	31,177,867 00
1866	294,449,701 82	43,324,118 52	3,247,264 56	15,606,352 35	41,054,961 54	387,683,168 79	\$1,717,000 11	133,067,741 69	620,365,249 10	1,141,072,655 27	160,817,098 73
1867	95,224,415 63	31,084,011 04	4,642,531 77	20,836,561 71	51,110,223 72	202,947,753 87	58,476 51	143,761,591 91	735,546,960 11	1,093,889,970 74	158,938,082 87
1868	123,240,648 62	25,775,502 72	4,100,663 32	23,762,866 78	53,009,867 67	229,915,068 11	10,813,349 38	140,424,045 71	692,540,685 88	1,093,889,970 74	158,938,082 87
1869	78,501,990 61	20,000,757 97	7,042,928 06	28,476,621 76	56,474,061 53	100,496,354 95	7,001,151 04	130,634,242 80	901,912,718 31	1,093,889,970 74	158,938,082 87
1870	57,655,675 40	21,780,229 87	3,407,936 15	28,340,202 17	53,237,461 56	164,421,507 15	15,996,555 60	129,235,438 00	993,254,262 13	702,907,842 88	177,904,112 51
1871	35,709,991 82	19,431,027 21	7,426,997 44	34,443,894 88	60,481,916 28	157,563,827 58	9,016,794 74	125,576,568 93	396,503,670 65	691,680,858 90	139,010,126 15
1872	35,372,167 20	21,249,809 99	7,051,728 82	28,533,402 76	60,964,757 42	153,201,956 19	5,858,266 76	117,357,839 72	405,007,307 54	662,525,270 21	134,660,001 85
1873	46,323,138 31	23,526,256 79	7,951,704 88	29,359,426 96	73,328,110 06	180,488,038 90	5,105,919 99	104,750,686 44	233,696,352 58	524,044,597 91	159,263,073 41
1874	42,313,027 22	23,932,587 42	6,962,462 09	29,038,414 96	85,141,563 61	194,118,965 05	1,985,073 55	107,119,815 21	422,065,060 23	724,698,983 99	178,533,339 54
1875	41,130,645 06	21,497,626 27	8,384,656 82	29,456,216 22	71,070,702 96	171,529,548 27	.....	103,063,544 57	407,377,492 48	682,000,865 22	172,804,061 32
1876	38,070,868 04	18,963,309 82	8,966,558 17	28,257,395 69	73,926,532 58	164,857,813 36	.....	100,243,541 23	449,345,273 80	714,446,357 39	149,000,377 21
1877	37,062,785 90	14,956,935 86	5,277,007 22	27,963,752 27	58,926,532 57	144,209,965 28	.....	97,124,511 58	328,965,424 05	565,299,898 91	214,897,453 88
1878	32,154,147 85	17,365,301 37	4,629,260 28	27,137,019 06	58,177,703 57	134,463,452 15	.....	102,500,874 65	353,076,944 90	590,641,271 70	284,591,453 88
1879	40,426,660 73	15,125,126 84	5,206,106 08	35,121,462 39	65,741,555 49	161,619,934 53	.....	105,327,949 00	699,445,809 16	966,393,692 69	390,832,598 65

The next is a statement of the Receipts, Expenditures, and Outstanding Principal of the Public Debt, Interest and Premium Paid, and the Expenses of Loans and Treasury Notes and Refunding National Debt, for each year from 1860 to 1879, inclusive, marked "Secretary No. 2," viz:

## SECRETARY NO. 2.

*Statement of the Receipts, Expenditures, and Outstanding Principal of the Public Debt, Interest and Premium Paid, and the Expenses of Loans and Treasury Notes, and Refunding National Debt for each year from 1860 to 1879, inclusive.*

Year.	Received from loans during the year.	Paid on account of the year.	Amounts to be added to receipts.	Amounts to be added to expenditures.	Principal of debt at close of year.	Net increase.	Net decrease.	Interest paid.	Premiums paid.	Expenses of national loans.	Refunding national debt.	Year.
1859	\$458,496,837 88				\$58,496,837 88	\$458,496,837 88						1859
1860	20,776,910 74	\$14,431,350 00			64,842,287 88	6,345,450 00		\$3,177,314 62		\$4,332 34		1860
1861	41,861,709 74	18,142,900 00	\$42,019,776 10		90,500,873 72	25,738,585 84		4,000,178 76		14,840 73		1861
1862	529,682,360 50	96,094,022 09			524,172,138 63	433,586,538 51		13,190,324 45		507,318 67		1862
1863	776,682,361 57	11,084,635 07			1,119,772,138 63	595,586,728 63		24,728,846 61		7,782,456 39		1863
1864	1,128,884,245 87	432,822,014 03			1,815,784,377 57	696,012,231 04		53,685,421 69		2,040,127 97		1864
1865	1,472,224,740 85	607,361,241 68			2,680,647,969 74	864,863,499 17		77,397,713 69		6,657,417 71		1865
1866	712,851,533 05	620,263,249 10			2,773,234,173 69	92,568,303 95		133,067,741 69		2,909,036 00		1866
1867	640,436,910 29	735,596,940 11			2,678,126,103 87		\$65,110,069 52	10,813,349 88		1,796,568 56		1867
1868	625,111,433 29	692,149,685 86	\$1,000,000 00		2,611,687,851 19		66,438,252 68	140,424,045 91		2,017,822 43		1868
1869	238,678,081 06	261,912,718 31			2,490,672,427 81	23,235,637 25		130,684,242 80		1,851,314 11		1869
1870	285,474,496 00	383,254,262 13			2,480,672,427 81	107,779,786 18		129,235,498 00		2,792,465 12		1870
1871	268,768,523 47	389,503,670 65	\$5,338,768 09		2,353,211,332 92	127,461,095 49		125,576,565 98		2,897,856 92	\$32,173 04	1871
1872	305,047,054 00	405,007,307 54	\$750 00		2,253,251,328 76	99,960,003 54		9,016,704 74		2,490,912 26	644,169 12	1872
1873	214,831,017 00	233,699,352 38			2,234,482,968 20			6,968,266 76		2,800,863 94	54,726 83	1873
1874	439,272,535 46	422,065,060 23			2,251,690,468 48	17,207,475 43		104,750,688 44		1,878,569 57	702,726 85	1874
1875	397,971,556 00	449,345,272 80			2,232,285,051 95	19,405,986 48		103,065,544 57		20,559 07	150,255 15	1875
1876	397,456,799 00	323,965,424 05			2,190,305,002 15	24,900,324 95		100,343,271 23			489,405 36	1876
1877	348,871,749 00	323,965,424 05			2,190,305,002 15			97,124,511 58			489,405 36	1877
1878	404,581,243 00	843,676,944 90			2,346,205,862 53	50,904,503 23		102,500,874 65			919,124 03	1878
1879	792,807,643 00	699,445,909 16			2,346,205,862 53	93,361,589 51		105,327,949 00			1,915,975 11	1879
Average cost.	10,090,818,717 04	7,747,544,312 70	8,358,794 19	2,065,716 40	6,811,164,766 87	2,939,616,063 81	610,048,531 77	1,816,478,972 57	59,738,167 73	32,468,462 37	5,916,909 00	38

<sup>a</sup> Outstanding.

<sup>b</sup> Discount on loan of February 8, 1861.

<sup>c</sup> Amount covered as Navy Pension Fund.

<sup>d</sup> Amount of bond of loan June 26, 1864, donated to the government by Peters.

<sup>e</sup> Discount on loan of July and August, 1861.

<sup>f</sup> Items of difference between loan account and receipts and expenditures account, accrued interest, and premium erroneously covered or redeemed as principal.

<sup>g</sup> Difference in the loan and receipts and expenditures account as to the outstanding of the temporary loan.

These two tables have been prepared by the Treasury Department. I will now submit the other tables to which you called attention. The first is a comparison of the Secretary's and Register's Tabular Statements of the Outstanding Public Debt for the fiscal years 1833 to 1870, inclusive, marked "No. 1 C," viz:

## No. 1 C.

## PREPARED BY SENATE COMMITTEE ON TREASURY ACCOUNTS.

*Secretary's and Register's Tabular Statements of the Outstanding Public Debt for the fiscal years 1833 to 1870, inclusive.*

[Copied from the Finance Reports of 1870 and 1871.]

Year.	Secretary's statement, Finance Report, 1870, page xxv.	Register's statement, Finance Report, 1870, page 276.	Secretary's compared with Register's.		Register's statement, Finance Report, 1871, page 368.	Year.
			Increase.	Decrease.		
1833.....	\$7,001,698 83	\$7,001,032 88	\$665 95	.....	\$7,001,698 83	1833
1834.....	4,760,082 08	4,760,081 08	1 00	.....	4,760,082 08	1834
1835.....	37,513 05	351,289 05	.....	\$313,776 00	37,513 05	1835
1836.....	336,957 83	291,089 05	45,868 78	.....	336,957 83	1836
1837.....	3,368,124 07	1,878,223 55	1,429,900 52	.....	3,368,124 07	1837
1838.....	10,434,221 14	4,857,060 46	5,576,560 68	.....	10,434,221 14	1838
1839.....	3,573,343 82	11,983,737 53	.....	8,410,393 71	3,573,343 82	1839
1840.....	5,250,875 54	5,125,077 63	125,797 91	.....	5,250,875 54	1840
1841.....	13,594,480 73	6,737,388 00	6,857,082 73	.....	13,594,480 73	1841
1842.....	20,601,226 28	15,028,486 37	5,572,739 91	.....	20,601,226 28	1842
1843.....	32,742,922 00	27,203,450 69	5,539,471 31	.....	32,742,922 00	1843
1844.....	23,461,652 50	24,748,188 23	.....	1,286,535 73	23,461,652 50	1844
1845.....	15,925,303 01	17,093,794 80	.....	1,168,491 79	15,925,303 01	1845
1846.....	15,550,202 97	16,750,026 33	.....	1,200,723 36	15,550,202 97	1846
1847.....	38,826,534 77	38,056,023 38	.....	130,088 61	38,826,534 77	1847
1848.....	47,044,862 23	48,526,779 87	.....	1,481,517 14	47,044,862 23	1848
1849.....	63,061,858 69	64,704,693 71	.....	1,642,835 02	63,061,858 69	1849
1850.....	63,452,773 55	64,228,238 37	.....	775,464 82	63,452,773 55	1850
1851.....	68,304,796 02	62,500,395 26	5,744,400 76	.....	68,304,796 02	1851
1852.....	66,199,341 71	65,131,692 13	1,067,649 58	.....	66,199,341 71	1852
1853.....	59,808,117 70	67,340,628 78	.....	7,532,511 08	59,808,117 70	1853
1854.....	42,242,222 42	47,242,206 05	.....	4,999,983 63	42,242,222 42	1854
1855.....	35,586,956 56	39,969,781 05	.....	4,382,774 49	35,586,956 56	1855
1856.....	31,972,537 90	30,963,009 64	1,008,628 26	.....	31,972,537 90	1856
1857.....	28,699,831 85	29,060,386 90	.....	360,555 05	28,699,831 85	1857
1858.....	44,911,881 03	44,910,777 66	1,103 37	.....	44,911,881 03	1858
1859.....	58,496,837 88	58,754,690 23	.....	257,852 45	58,496,837 88	1859
1860.....	64,842,287 88	64,769,703 08	72,584 80	.....	64,842,287 88	1860
1861.....	90,580,873 72	90,867,328 68	.....	286,454 96	90,580,873 72	1861
1862.....	524,176,412 13	514,211,371 92	9,965,040 21	.....	524,176,412 13	1862
1863.....	1,119,772,138 63	1,098,793,181 37	20,978,957 26	.....	1,119,772,138 63	1863
1864.....	1,815,784,370 57	1,740,690,480 49	75,093,891 08	.....	1,815,784,370 57	1864
1865.....	2,680,647,869 74	2,682,593,026 53	.....	1,945,156 79	2,680,647,869 74	1865
1866.....	2,773,236,173 69	2,783,425,379 21	.....	10,189,705 52	2,773,236,173 69	1866
1867.....	2,678,126,108 87	2,692,199,215 12	.....	14,073,111 25	2,678,126,108 87	1867
1868.....	2,611,687,851 19	2,636,320,964 67	.....	24,633,113 48	2,611,687,851 19	1868
1869.....	2,588,452,213 94	2,489,002,480 58	99,449,733 36	.....	2,588,452,213 94	1869
1870.....	2,480,672,427 81	2,386,358,599 74	94,313,828 07	.....	2,480,672,427 81	1870



The next is a Comparative Statement of the Outstanding Public Debt for the fiscal years 1862, 1863, and 1864, marked "No. 2 C," viz:

## No. 2 C.

[Prepared by the Senate Committee on Treasury Accounts.]

*Comparative Statement of the Outstanding Public Debt for the fiscal years 1862, 1863, and 1864.*

Year.	Secretary Boutwell's statement, Finance Report, 1870, p. xxv.	Secretary Chase's statement, Finance Report, 1862, pp. 2, 44.	Register Chittenden's statement, Finance Report, 1862, p. 213.	Year.
1862—July 1 .....	\$524, 176, 412 13 514, 211, 371 92	\$514, 211, 371 92	\$514, 211, 371 92	1862
Increase in Secretary Boutwell's statement, Finance Report, 1870, over Secretary Chase's statement, Finance Report, 1862.	9, 935, 040 21			

NOTE.—Secretary Chase, Finance Report, 1862, page 2, says the actual amount of the public debt July 1, 1862, is \$514,211,371.92, which agrees with Register Chittenden's statement, Finance Report 1862, page 213.

Year.	Secretary Boutwell's statement, Finance Report, 1870, p. xxv.	Secretary Chase's statement, Finance Report, 1863, pp. 4, 45.	Register Chittenden's statement, Finance Report, 1863, p. 239.	Year.
1863—July 1 .....	\$1, 119, 772, 138 63 1, 098, 793, 181 37	\$1, 098, 793, 181 37	\$1, 098, 793, 181 37	1863
Increase in Secretary Boutwell's statement, Finance Report, 1870, over Secretary Chase's statement, Finance Report, 1863.	20, 978, 957 26			

NOTE.—Secretary Chase, Finance Report, 1863, page 4, says the true amount of the public debt, July 1, 1863, is \$1,098,793,181.37, which agrees with Register Chittenden's statement, Finance Report, 1863 page 239.

Year.	Secretary Boutwell's statement, Finance Report, 1870, p. xxv.	Secretary Fessenden's statement, Finance Report, 1864, pp. 8, 45.	Secretary Chase's weekly debt statement, June 28, 1864.	Secretary Chase's weekly debt statement, July 5, 1864.	Year.
1864—July 1 .....	\$1, 815, 784, 370 57 1, 740, 690, 489 49	\$1, 740, 690, 489 49	\$1, 740, 036, 689 53	\$1, 792, 867, 040 57	1864
Increase in Secretary Boutwell's statement, Finance Report, 1870, over Secretary Fessenden's statement, Finance Report, 1864.....	75, 093, 881 08				

NOTE.—Secretary Fessenden, Finance Report, 1864, page 8, says the amount of the public debt, July 1, 1864, is \$1,740,690,489.49, which agrees with Register Colby's statement, Finance Report, 1864, page 237. Secretary Chase, in his weekly debt statement of June 28, 1864, certifies that the amount of the public debt on that day is \$1,740,036,689.53, and also certifies, in his weekly debt statement of July 5, 1864, that the amount of the public debt on that day is \$1,792,867,040.57. It will be observed that both these amounts are much less than the amount as stated by Secretary Boutwell in his revised statement in Finance Report, 1870.

The next is a statement, taken from the Secretary's statements in the Finance Reports and to this Committee, of the Net Ordinary and Gross Receipts and Expenditures, and of the Receipts and Expenditures on account of the Public Debt of the United States, from March 4, 1789, to June 30, 1879, inclusive, marked "No. 3 C," viz:

No. 3 C.

[Prepared by the Senate Committee on Treasury Accounts.]

*Statement taken from Secretary's statements in Finance Reports and to Committee of the Net Ordinary and Gross Receipts and Expenditures, and of the Receipts and Expenditures on account of the Public Debt of the United States, from March 4, 1789, to June 30, 1879, inclusive.*

Period.	Receipts.		Expenditures.		Receipts from loans and Treasury notes.	Expenditures on account of the public debt.	Outstanding public debt at the end of each period.	Balance in Treasury at the end of each period.	Period.
	Net ordinary receipts.	Gross receipts.	Net ordinary expenditures.	Gross expenditures.					
1791 to 1822, inclusive—									
1823 to 1860, inclusive—	\$688, 073, 122 36	\$838, 728, 039 25	\$438, 305, 777 06	\$538, 712, 372 20	\$150, 094, 888 71	\$248, 838, 508 09			
1861 to 1870, inclusive—	1, 116, 403, 921 76	1, 341, 562, 931 30	1, 086, 322, 635 37	1, 308, 847, 457 93	223, 790, 927 58	171, 451, 133 06			
1871 to 1879, inclusive—	2, 883, 313, 423 56	3, 492, 878, 189 83	4, 420, 205, 388 32	5, 347, 320, 336 38	6, 451, 877, 691 62	4, 039, 621, 228 71			
	2, 746, 101, 019 81	6, 350, 948, 238 23	1, 462, 074 317 26	6, 141, 731, 767 02	3, 559, 707, 086 93	3, 684, 088, 334 39			
1791 to 1879, inclusive—	7, 433, 891, 478 49	18, 024, 115, 418 61	7, 407, 108, 118 01	17, 634, 020, 963 43	10, 385, 479, 604 84	8, 152, 017, 204 25	\$2, 340, 567, 482 04	\$358, 730, 943 74	{ 1791 to 1879, inclusive.
	7, 407, 108, 118 01	17, 634, 020, 963 43			8, 152, 017, 204 25				
Excess of receipts over expenditures	28, 783, 360 48	389, 494, 455 18			2, 233, 462, 400 59				
STATEMENT OF THE OUTSTANDING PUBLIC DEBT BY RECEIPTS AND EXPENDITURES.									
1791 to 1822, inclusive—					1791 to 1870, inclusive—				
Receipts from loans and Treasury notes					Receipts from loans and Treasury notes				\$8, 825, 772, 517 91
Expenditures on account of the public debt					Expenditures on account of the public debt				4, 457, 930, 889 86
Excess of expenditures over receipts					Excess of receipts over expenditures				2, 367, 841, 648 05
Outstanding public debt, 1822 (Finance Reports)					Outstanding public debt, 1870 (Finance Reports)				2, 480, 672, 427 81
Difference					Difference				112, 830, 779 76
1791 to 1860, inclusive—					1791 to 1879, inclusive—				
Receipts from loans and Treasury notes					Receipts from loans and Treasury notes				10, 385, 479, 604 84
Expenditures on account of the public debt					Expenditures on account of the public debt				8, 152, 017, 204 25
Excess of expenditures over receipts					Excess of receipts over expenditures				2, 233, 462, 400 59
Outstanding public debt, 1860 (Finance Reports)					Outstanding public debt, 1879 (Finance Reports)				2, 340, 567, 482 04
Difference					Difference				116, 105, 081 45

The next is a Comparative Statement of the Total Receipts and Expenditures and Balance in the Treasury, for the fiscal years 1860 to 1870, inclusive, in the Treasurer's, Secretary's, and Register's statements to this committee, marked "No. 4 C," viz:

## No. 4 C.

[Prepared by the Senate Committee on Treasury Accounts.]

*Comparative Statement of the Total Receipts and Expenditures and Balance in the Treasury, for the fiscal years 1860 to 1870, inclusive, in Treasurer's and Secretary's and Register's statements to committee.*

## TOTAL RECEIPTS.

Year.	Treasurer's statement to committee.	Secretary's and Register's statements to committee.	Treasurer's statement, as compared with Secretary's and Register's statements.		Year.
	Total receipts.	Total receipts.	Increase.	Decrease.	
1860 .....	\$80,544,805 71	\$76,841,407 83	\$3,703,397 88	.....	1860
1861 .....	88,694,545 08	83,371,640 12	5,322,904 96	.....	1861
1862 .....	589,301,545 86	581,679,915 93	7,621,629 93	.....	1862
1863 .....	896,396,040 45	889,379,652 52	7,016,387 93	.....	1863
1864 .....	1,408,474,234 51	1,393,461,017 57	15,013,216 94	.....	1864
1865 .....	1,826,075,227 14	1,805,939,345 98	20,135,881 21	.....	1865
1866 .....	1,326,610,336 25	1,270,884,173 11	55,726,163 14	.....	1866
1867 .....	1,176,776,082 57	1,131,060,920 56	45,715,162 01	.....	1867
1868 .....	1,075,324,046 89	1,030,749,516 52	44,574,530 37	.....	1868
1869 .....	658,467,731 68	609,621,828 27	48,845,903 41	.....	1869
1870 .....	774,464,430 01	696,729,978 63	77,734,456 38	.....	1870
Totals .....	9,901,129,026 10 9,569,719,392 00	9,569,719,392 00	331,409,634 10	.....	
Increase in Treasurer's as compared with Secretary's and Register's statements .....	331,409,634 10	.....	331,409,634 10	.....	

## TOTAL EXPENDITURES.

Year.	Treasurer's statement to committee.	Secretary's and Register's statements to committee.	Treasurer's statement as compared with Secretary's and Register's statements.		Year.
	Total expenditures.	Total expenditures.	Increase.	Decrease.	
1860 .....	\$80,758,523 53	\$77,561,948 39	\$3,196,575 14	.....	1860
1861 .....	90,710,267 98	84,689,544 89	6,020,723 99	.....	1861
1862 .....	573,288,968 01	570,858,741 00	2,430,227 01	.....	1862
1863 .....	906,882,306 18	895,837,360 24	11,004,947 94	.....	1863
1864 .....	1,310,554,454 88	1,298,144,656 09	12,409,798 83	.....	1864
1865 .....	1,926,569,212 58	1,904,916,466 09	21,652,746 49	.....	1865
1866 .....	1,195,070,567 59	1,141,072,066 09	53,997,901 50	.....	1866
1867 .....	1,142,101,582 89	1,093,079,655 27	49,021,877 62	.....	1867
1868 .....	1,114,021,431 18	1,069,889,970 74	44,131,460 44	.....	1868
1869 .....	683,611,220 31	584,777,996 11	98,833,224 20	.....	1869
1870 .....	780,889,450 27	702,907,842 88	77,981,607 39	.....	1870
Totals .....	9,754,707,967 85 9,423,726,847 70	9,423,726,847 70	330,981,109 65	.....	
Increase in Treasurer's as compared with Secretary's and Register's statements .....	330,981,109 65	.....	330,981,109 65	.....	

## BALANCE IN THE TREASURY.

Year.	Treasurer's statement to committee.	Secretary's and Register's statements to committee.	Treasurer's statement as compared with Secretary's and Register's statements.		Treasurer's statement to committee.	Year.
	*Balance in Treasury at end of year.	*Balance in Treasury at end of year.	Increase.	Decrease.	Unpaid drafts.	
1860.....	\$32,979,580 78	\$31,815,299 47	\$1,164,281 31	.....	\$1,139,121 34	1860
1861.....	30,954,160 02	30,497,394 71	456,765 31	.....	449,021 28	1861
1862.....	46,965,304 87	41,307,458 83	5,657,846 04	.....	1,235,189 99	1862
1863.....	36,529,037 14	34,853,751 10	1,675,286 04	.....	1,263,235 56	1863
1864.....	134,433,738 44	130,100,902 27	4,272,836 17	.....	1,585,307 14	1864
1865.....	33,933,657 89	31,177,687 00	2,755,970 89	.....	2,539,137 18	1865
1866.....	165,478,426 55	160,817,099 73	4,656,326 82	.....	4,413,357 14	1866
1867.....	200,147,976 23	198,076,587 09	2,071,439 14	.....	1,138,009 91	1867
1868.....	160,557,017 73	158,936,082 87	1,620,934 86	.....	1,620,809 86	1868
1869.....	185,115,673 14	183,781,985 76	1,333,687 38	.....	1,333,559 88	1869
1870.....	178,722,693 51	177,604,116 51	1,118,577 00	.....	1,118,577 00	1870

\* 28,101,644.91 deposited with the States included.

The next is a Comparative Statement of the Interest on the Public Debt from July 1, 1860, to July 1, 1870, marked "No. 5 C," viz:

## No. 5 C.

[Prepared by the Senate Committee on Treasury Accounts.]

## Comparative Statement of Interest on the Public Debt from July 1, 1860, to July 1, 1870.

Year.	Secretary's statement, issued July 1, 1870. "Interest charge."	Secretary's detailed statement furnished to committee. "Interest paid."	Secretary's statement of receipts and expenditures furnished to committee.	Register's statement in receipts and expenditures.	Appropriations made for each fiscal year.	Statement of interest paid. (Statistical Abstract of the United States, first number, page 9.)
1860..	\$3,443,687 29	\$2,145,702 46	\$3,177,314 62	\$3,144,620 95	\$3,177,275 71	\$3,144,120 94
1861..	5,092,690 43	2,445,055 93	4,000,173 76	4,035,157 27	4,000,139 66	4,034,157 80
1862..	22,048,509 59	4,198,048 96	13,190,324 45	13,190,347 90	13,190,817 49	13,190,344 64
1863..	41,854,148 01	11,970,152 62	24,729,846 61	24,729,700 62	24,729,846 61	24,729,700 62
1864..	78,833,487 24	27,172,650 36	53,685,421 69	53,685,421 69	53,685,421 69	53,685,421 69
1865..	137,742,617 43	82,444,077 52	77,397,712 09	77,397,129 17	77,396,750 87	77,396,090 80
1866..	146,068,196 29	104,257,967 08	133,067,741 69	133,067,624 91	133,067,512 19	133,067,624 91
1867..	138,892,451 89	159,614,758 49	143,781,591 91	143,785,142 82	143,782,220 70	143,781,591 91
1868..	128,456,596 14	110,851,959 41	140,424,045 71	140,424,057 07	140,424,084 69	140,424,045 71
1869..	125,523,998 34	181,506,933 64	130,694,242 80	130,694,242 80	130,694,242 80	130,694,242 80
1870..	118,784,990 84	167,001,472 78	129,235,498 00	129,235,498 00	129,235,442 22	129,235,498 00
	946,764,284 49	853,608,774 25	858,383,913 24	853,388,943 20	853,386,204 83	853,861,839 02

NOTE.—The several statements of the Secretary and Register for the years subsequent to 1870, excluding the statement of "interest charge," agree with each other.

The next is a Comparison of the Register's Statements with the Secretary's Monthly Debt Statements of the Outstanding Public Debt for the fiscal years 1869 and 1870, marked "No. 6 C," viz :

## No. 6 C.

[Prepared by the Senate Committee on Treasury Accounts.]

*Comparison of Register's Statements with Secretary's Monthly Debt Statements of the outstanding Public Debt for the fiscal years 1869 and 1870.*

1869.	
Outstanding public debt, 1869:	
Register's statement, Finance Report, 1869, p. 317 .....	\$2, 489, 002, 480 58
Register's statement, Finance Report, 1871, p. 369 .....	2, 588, 452, 213 94
Difference or increase in Finance Report, 1871 .....	99, 449, 733 36
Register's statement, Finance Report, 1869 .....	2, 489, 002, 480 58
Add—from Secretary's monthly debt statement, July 1, 1869—	
Cash in Treasury .....	\$147, 300, 531 51
Less accrued interest .....	47, 447, 810 79
	99, 853, 220 72
Secretary's monthly debt statement, July 1, 1869, less sinking-fund .....	2, 588, 855, 701 30
Register's statement, Finance Report, 1871 .....	2, 588, 452, 213 94
Difference or increase in Secretary's monthly debt statement .....	403, 487 36
Cash in the Treasury July 1, 1869:	
Secretary's and Register's statements to committee and Register's statement, Finance Report, 1869 .....	155, 690, 340 85
Secretary's monthly debt statement, July 1, 1869 .....	147, 300, 531 51
Difference or decrease in Secretary's monthly debt statement, July 1, 1869 ..	8, 379, 809 34
1870.	
Outstanding public debt, 1870:	
Register's statement, Finance Report, 1870, p. 276 .....	\$2, 386, 358, 599 74
Register's statement, Finance Report, 1871, p. 379 .....	2, 480, 672, 427 81
Difference or increase in Finance Report, 1871 .....	94, 313, 828 07
Register's statement, Finance Report, 1870 .....	2, 386, 358, 599 74
Add—from Secretary's monthly debt statement, July 1, 1870—	
Cash in Treasury .....	\$141, 721, 116 07
Less accrued interest .....	50, 607, 556 52
	91, 113, 559 55
Secretary's monthly debt statement, July 1, 1870, less sinking-fund and special bond purchases .....	2, 477, 472, 159 29
Register's statement, Finance Report, 1870 .....	2, 480, 672, 427 81
Difference or decrease in Secretary's monthly debt statement, July 1, 1870 ..	3, 200, 268 53
Cash in the Treasury July 1, 1870:	
Secretary's statement to committee and in Finance Report, 1870 p. 20 .....	149, 502, 471 69
Secretary's monthly debt statement, July 1, 1870 .....	141, 721, 116 07
Difference or decrease in Secretary's monthly debt statement, July 1, 1870 ..	7, 781, 355 53

Q. Did you prepare the statement, headed "Prepared by the Senate Committee on Treasury Accounts"?—A. I made up five of them.

Q. Did you go over the figures carefully to know that they are true transcripts from the books of the department?—A. Yes, sir; from the Finance Reports.

Q. Did you prepare the interest statement which you did not make, and see whether that was correct?—A. Yes, sir; from those stand-points.

By Mr. INGALLS:

Q. By whom were these tables prepared which you have offered in evidence?—A. I prepared them.

Q. At whose request?—A. At the request of the chairman of the committee.

Q. From what were they prepared?—A. Prepared from statements furnished the committee and statements in the Finance Reports.

Q. What were you directed by the chairman to do?—A. To make comparisons of these statements as I found them—just the figures as I found them.

Q. In what?—A. The Finance reports and the statements furnished the committee.

Q. Did the chairman tell you what reports to examine and what figures to incorporate and what tables to make?—A. Yes, sir.

Q. State just what he told you to do.—A. He told me to compare the two reports as I found them.

Q. What two reports?—A. To take the statement in the Finance Report of 1869 and compare it with the Finance Report of 1870.

Q. Was that all?—A. That was all.

Q. Is that all he told you in regard to the papers you have presented here?—A. And then to compare the statements; and you will find all the authorities here given for these statements.

Q. Then these statements that you present are not official; they are statements that you have prepared in your own way and in your own manner from official documents that have been issued from different departments of the government?—A. I give my authority where I find these figures. I did not make up any figures.

Q. This is a personal tabulation that you have made from the different reports issued by officers of the government?—A. I do not understand what is meant by "personal." It is not personal at all. I take things just as I find them. I take them from the official documents.

Q. These are not official documents; these are what you have taken from official documents?—A. Yes, sir; not in my charge, but I got them.

By the CHAIRMAN:

Q. I understood you to say they were true transcripts from the Finance reports and from the statements furnished officially to the committee?—A. Yes, sir.

The CHAIRMAN. If they were not they ought to be, for such were the instructions.

By Mr. INGALLS:

Q. What was the reason the official reports were not offered in evidence? Why were you instructed to prepare statements from the official records, instead of having them offered in evidence?—A. They are in evidence. The Finance Reports are the official records in one case, and statements furnished the committee go in numbered there as I have just given them.

Q. What was the reason that you were directed to prepare these tables instead of having the official reports submitted to the committee?—A. There were certain discrepancies shown to exist in the Finance reports of 1869 and 1870, and I was ordered to—

Q. Did not the official reports show the discrepancies?—A. The only official reports I know that showed those discrepancies were the reports submitted by the Finance committee.

Q. Why was not that submitted to this committee? Why do you submit a statement of your own, instead of offering the Finance Report and the report of that committee with it?—A. I do not present any statement of my own. It is only a comparative statement of my own. I am merely employing official figures from the same stand-point. I am not using any figures of my own.

Q. Have you in any way changed the order?—A. I have not changed a thing.

Q. Have you changed the order in which these figures appear in the official reports that were submitted to you?—A. No, sir; I did not change anything.

Q. Did the chairman of the committee give you the reports that you were to compare?—A. He told me to take these statements.

Q. What statements?—A. The Finance Reports of 1869 and 1870, and where they did not agree to make a statement of them.

Q. Then you have made a statement of differences that exist there, nothing but differences?—A. Exactly.

Q. As they appeared to you?—A. As they appeared to anybody.

Q. As they appeared to you? I am not asking about anything else.—A. Yes, sir.

By Mr. WHYTE:

Q. As I understand you, for the convenience of the committee and to furnish in a compact form these discrepancies, you were directed to make these statements?—A. Exactly.

Q. That was the sole object?—A. Exactly.

Q. You have grouped the figures together to relieve the committee from the necessity of going over all that labor themselves?—A. Exactly.

Q. You now swear that you have used with perfect accuracy the figures as you found them in the Finance Reports and in the detailed statements of the Secretary of the Treasury to this committee?—A. Yes, sir.

JANUARY 23, 1880.

JAMES GILFILLAN recalled.

By the CHAIRMAN:

Question. You are Treasurer of the United States?—Answer. Yes, sir.

Q. How long does it take on an average from the time money is paid into your office for the purchase of bonds until the certificates you send go through the Public Moneys Division up to the Loan Division of the Secretary's office, back to the Public Moneys Division, and then back to your office?—A. The certificate would go directly to the Loan Division and a list of the deposits would go to the Public Moneys Division and to the Loan Division to be checked, at least every month.

Q. Once a month?—A. Yes, sir.

Q. What time of the month?—A. Before the end, so that it could be covered in before the end of the month.

Q. As to a transaction taking place on the last day of the month, how long would it be before that would get around?—A. That probably would go over to the next month.

Q. Then I understand that once a month you compare checks?—A. At least once a month.

Q. And if a transaction was at the close of the month it would probably go over until the next month?—A. Yes, sir; unless it was essential to have it go into that month's account.

Q. Can you give us the amounts of unclaimed interest up to 1860, and since 1860, in round numbers?—A. The amount of unclaimed interest on the books at this time, which accrued prior to 1860, is \$2,407.45.

Q. How much since 1860?—A. Since 1860 it is \$87,927.31.

Q. Is it your impression that it would improve the general system of

accounts if that was returned, after standing a certain number of years, into the Treasury, as all other appropriations are?—A. Yes, sir; all other outstanding liabilities.

Q. How long do you think it should stand before being returned into the Treasury?—A. Other balances and checks outstanding are turned into outstanding liabilities every three years. I suppose that would be as good a limit as any.

Q. Then it would have to go through the accounting officers as any other outstanding liability that is returned to the Treasury?—A. Yes, sir.

Q. As it is now, the demand for it is made at your office, and it is at your discretion whether it is right or not to pay it?—A. Yes, sir.

Q. Can you give us an estimate of the accrued interest on bonds for a given year? I am not particular what year you take.—A. For the fiscal year 1879 the accrued interest deposited on account of 4 per cent. bonds was \$1,720,677.21.

Q. How would that year average with the years since 1863?—A. That would depend on whether we were issuing a loan or not. If we were not issuing a loan there would be no deposits; if we were issuing a loan, there would be.

Q. The question is intended to cover just what has actually occurred since then.—A. I do not know. Of course it would be in a certain proportion to the amount of the loan issued. There would be no relation between any years except as to the amount.

Q. Can you give us an estimate for any other year except 1879?—A. I cannot without some data.

Q. What proportion of the bonds issued, on an average, passes through your office, and what proportion is ordered by the Secretary directly on the Loan Division?—A. Do you mean what proportion of the deposits are made here?

Q. I mean what proportion of the bonds issued, no matter upon what basis they are issued, are on deposits that pass through your office that you have the handling of?—A. I have the figures for the 4 per cent. loan since 1877 up to December 31, 1879. I can give you those.

Q. Answer in your own way.—A. The total deposits on account of principal of the 4 per cent. loan from 1877 to December 31, 1879, were \$738,490,550. Of that amount there was deposited at the Washington office \$108,146,117.76.

Q. What proportion of those bonds covering the amount of money you have named was by the certificates going from you to the Loan Division, and what proportion from the Secretary's office direct to the Loan Division?—A. The latter amount went from the Treasurer, from the Washington office.

Q. The difference between the amounts that you have named is about one to seven, is it not?—A. About that.

Q. Do I understand from that, that about one-seventh of the bonds were ordered by certificate from your office, and the balance ordered from the Secretary's office on the Loan Division?—A. It is only a question of locality where the money was deposited.

Q. I am not asking now as to the deposit of the money. The question which I wish answered is this: First, whether or not you order a portion of the bonds on your certificate to the Loan Division, and the Secretary orders another portion of the bonds to be issued?—A. No; all certificates go to the Loan Division, whether they are issued by the Washington office or any sub-treasurer, or any of the banks, and all the bonds are ordered in the same way from the Register.



Q. My question is how many of the orders for bonds go through your office, and how many go from the Secretary's office to the Loan Division?—A. The smaller amounts that I have given you went through the Treasurer's office since 1877.

Q. How did the Loan Division receive orders for the balance that you did not order?—A. They had certificates from the sub-treasurers and from the banks.

Q. Directly to the Secretary or to you?—A. Sent to the Secretary, the same as mine are sent to the Secretary. There is no difference in that respect between the Washington office and any sub-treasury or bank.

Q. If I should go to your office to buy a bond to-day, you would give me a certificate on the Loan Division, would you not?—A. No, sir; I would give you a certificate of deposit.

Q. But I have to take that to the Loan Division?—A. We would send it there, giving you a duplicate, and sending the original to the Loan Division.

Q. If I was in New York, and wanted to buy a bond from the government, would the order for that bond pass through your office at all, or would it go directly to the Secretary's office?—A. It would go directly to the Secretary, and you would get the duplicate in the same way, and the assistant treasurer at New York would transmit the original to the Secretary.

Q. Then I understand that all certificates other than for bonds ordered here at your office go to the Secretary, and he directs the Loan Division to issue the bonds as ordered?—A. What I mean by the Secretary is that they would all go to the Loan Division like other deposits made in my office or in New York.

Q. Take the First National Bank and the bonds they subscribed for and ordered. When they wanted the delivery of the bonds, would they go through your office or through the Secretary's office?—A. Through the Secretary's office.

Q. And all bonds, whether subscribed for by a national bank or any other bank, would go through the Secretary's office and not through your office?—A. Yes, sir.

Q. And that is about as one is to seven?—A. Yes, sir; that is the proportion on the 4 per cent. loan.

Q. Is that a fair average of all the loans?—A. That depends altogether on the manner in which a loan is put out.

Q. But I am asking what would be a fair average?—A. I cannot say as to that.

Q. You cannot say positively, but you can say whether that was so?—A. I have no information on the subject.

Q. Can you tell us what amount of bonds have been issued under each loan, and what have been redeemed; or is not that in your office?—A. That is not in my province. It is given in every finance report of the Secretary.

Q. The bonds that are ordered through the Secretary's office you have no connection with whatever; you never see the bonds or give any direction about them?—A. No, sir.

Q. You finally receive the money for them, I suppose, but you know nothing of when they were issued until you get notice of the money being deposited?—A. Except in the case of deposits here in town, where the delivery was to be made at the counter, the Register would send the bonds when issued back to my office to be delivered there; but that was only a small amount.

Q. I understood from your former testimony that you had no separate account of accrued interest till a recent date?—A. I think only since the last fiscal year.

Q. What is the difference between "special" and "sinking fund," as reported? In the report of 1870 there is a table of the Treasurer which speaks of "special" and "sinking fund." I want to know what the difference between those two funds is, if there is any?—A. The Treasury bought a great many more bonds than were required for the sinking fund, which were set apart and called, for distinction, "the special fund." The sinking fund is required by law, and the special fund was simply a regulation of the department.

Q. When you came to deduct from the public debt the canceled bonds, was any distinction made then, or was the whole amount canceled and deducted in the same way?—A. They were all canceled and deducted in the same way.

By Mr. DAWES:

Q. You canceled the bonds in the special fund the same as those in the sinking fund?—A. Yes, sir; at the same time and in the same manner. The bonds in the sinking fund were distinguished by having "sinking fund" printed across the face.

By the CHAIRMAN:

Q. When you came to deduct the amount from the public debt, was there any distinction made between the two?—A. Not as far as deduction was concerned.

Q. Are you a bonded officer?—A. Yes, sir.

Q. What amount of bonds do you give?—A. \$150,000.

Q. What other bonded officers are there in the department?—A. Except the disbursing officers, I think the Comptroller of the Currency and his deputy are the only bonded officers.

Q. Do the disbursing officers belong to the department?—A. They were formerly designated from the clerks; are now appointed by the Secretary—

Q. I have reference to the heads of bureaus or divisions. Are any of them bonded officers?—A. Those are the only two.

Q. Do you know the amount of the bond of the Comptroller of the Currency?—A. I do not.

Q. The head of the Loan Division is not a bonded officer?—A. No, sir.

Q. Nor the head of the Public Moneys Division?—A. No, sir.

Q. Are those two officers appointed by the President or by the Secretary; do you know?—A. By the Secretary.

Q. Can you tell us what officers in the department are Presidential appointments?—A. All the heads of bureaus, and the deputy officers and assistants.

Q. But the chief of the Public Moneys Division and the chief of the Loan Division are appointed by the Secretary, and are not bonded officers?—A. They are appointed by the Secretary, and are not bonded officers.

Q. At the end of your fiscal year, how long does it take you to get in the statements before you close up the year's work, on the average?—A. We usually close in forty-five.

Q. Are you notified when the last warrant of the year is issued from the Secretary's office, so as to know what the last warrant should be belonging to the fiscal year?—A. Yes, sir; also each month and each quarter.

Q. And, usually, at the end of the year, the average time is forty-five

days before you close up an account and begin the warrants for the next year?—A. Before we close the quarter it would usually be forty-five days, to get in all the receipts.

Q. That is for the purpose of getting in accounts that may not have come in promptly, and getting in anything that may have started in one division and not got through the others, &c., is it?—A. Yes, sir.

By Mr. DAWES :

Q. You said that you thought unclaimed interest should be transferred to outstanding liabilities, after three years?—A. Yes, sir.

Q. Would it require an appropriation to pay it then?—A. No, sir.

Q. It is provided for by a permanent appropriation, and that would apply the same whether it was in the account of outstanding liabilities or in your account by itself?—A. Yes, sir.

Q. Is there any danger to the Treasury? Is the Treasury exposed to fraudulent claims of that kind?—A. Yes, sir, now.

Q. After three years are you more exposed to fraudulent claims than you are before?—A. It is a question of evidence. Probably for three years we would always be able to get evidence as to who was the rightful claimant; but when it gets to be old, as the interest generally belongs to estates, the person in whose name it stands being dead, it is very difficult to verify the claims.

Q. Your proposition to transfer those accounts into outstanding liabilities is to make it more certain that the person presenting the claim is the genuine owner of it?—A. Yes, sir.

Q. Because over that account there are more safeguards than there are over simply "unclaimed interest"?—A. Yes, sir. The payments now are made usually on a power of attorney presented at the counter. The only safety we have now is in comparing the signature on the power of attorney with the genuine signature on file in the department, and very often there is no signature on file.

Q. Does any other benefit to the Treasury than that occur to you from transferring this account?—A. I do not know of any other.

Q. It is for the purpose of protecting the Treasury against fraudulent claims?—A. That is all.

Q. You are, of course, acquainted with the method of placing loans in the Treasury Department. How long have you been acquainted with it?—A. I have been in the Treasurer's office for about eighteen years.

Q. And have been familiar with the routine method nearly all that time?—A. Yes, sir; so far as it pertains to the Treasurer's office.

Q. Can you suggest a method of routine by which when a loan is placed you could throw greater safeguards around it than those now used?—A. I am not prepared to say.

Q. You have no system in your mind that would make it safer than the present method?—A. No, sir; I have not.

Q. In the present method at any point is the Treasury exposed especially to fraud?—A. I have always considered it objectionable that bonds should be issued on the certificate of other than the officer who received the money, as is now the case.

Q. Is it practicable all over this country to get the bonds back to the depositor, to the place of deposit?—A. Not without expense.

Q. In that very process would it be exposed to any dangers?—A. I cannot recommend any such system as that.

Q. Can you recommend any substitute for the present method that in your opinion would be safer for the Treasury?—A. Only with that ex-

ception, that the Register should have the original certificate of the deposit of the money in the Treasury.

Q. You would recommend that change in the method, as an additional security?—A. Yes, sir.

Q. And that whether the money was deposited with you, with a sub-treasurer, or with the Loan Division?—A. Yes, sir.

Q. Have you ever suggested that change to the head of the department?—A. No, sir; it was suggested by my predecessor, General Spinner, to Mr. Boutwell.

Q. But has not been suggested since?—A. Not that I know of.

Q. Is there any other point than that where the Treasury is specially exposed to a fraud?—A. None that occurs to me just now.

Q. Is there any point at which the whole thing depends upon the personal integrity of one individual?—A. I think it all depends on integrity.

Q. Of one single individual as to all of a loan? Do all the different steps in the process, going through from the deposit of the money to the return to the depositor of a bond in its place, depend on the integrity of one individual?—A. And his subordinates.

Q. How many does it depend upon the integrity of?—A. I am not certain how many hands an order for a bond passes through.

Q. At any one point, does it depend on the integrity of one single individual, or must others co-operate with him? Take it from the time the person desirous of obtaining a bond deposits his money to the time he gets the bond for which the money was deposited, in its passage around and back to him, does it reach any point where it depends solely upon the integrity of a single individual whether the government is defrauded or not, so that when A deposits \$10,000 he may not receive a \$100,000 bond? Can he get a hundred thousand dollar bond by depositing in the Department \$10,000, without involving the complicity of more than a single individual?—A. Without full knowledge of the details in the Secretary's office, with what knowledge of the detail I have, I think not.

Q. I think you stated when you were here before that you had a set of books in your department that were compared once in three months with corresponding sets in others?—A. I render my account quarterly to the accounting officers.

Q. Of all your transactions quarterly?—A. Yes, sir.

Q. Annual accounts too?—A. Yes, sir.

Q. Is the account so rendered entered on permanent books of the Treasury Department?—A. Yes, sir.

Q. Have those accounts since you have had knowledge of them been changed after they were rendered?—A. No, sir.

Q. In any particular?—A. Not in any particular.

Q. Could they be changed on other books of the Treasury Department without its being detected by your books? After they left you and went on the other books, if they were finally entered upon other books different from yours, of course your books would detect the difference?—A. If there was a misentry of a warrant the statements of the different offices would differ.

Q. You render an account and it is closed once a quarter, and that account is entered upon some books which the Auditor and Comptroller keep?—A. Yes, sir.

Q. Then, does it not follow that if it is changed on their books after it is entered, your books would detect it?—A. If they were examined,

but there would be no risk, it seems to me, unless the Treasurer's account was also altered.

Q. What do you mean by "risk"?—A. No risk of loss. It would certainly be detected by the Register after it passed the two accounting officers.

Q. If there should be any alteration while the account was in their offices it would be detected, after it passed their offices, in the Register's office?—A. Yes, sir.

Q. Would it not be detected also by going back to your office?—A. I do not know that any difference between my books and the books of the First Auditor or of the Comptroller would be detected by me afterwards.

Q. Why not? Suppose the account you rendered was not faithfully entered upon their books, but was changed for some purpose, would not their books side by side with yours show the difference?—A. A change of the account would most certainly be discovered.

Q. Or, if after it had passed them you should change your own books, their entries would detect the change in your books? Suppose you take your books after you have rendered your account, and change them by erasing figures, could that be done without being detected?—A. No, sir; there are too many checks.

MELLEN C. HOOKER recalled.

By the CHAIRMAN:

Question. There were two warrants covering the permanent and indefinite appropriations for 1868 and 1870, that we asked you to produce to us when you were last before us. Have you been able to find them?—Answer. I have not.

Q. Have you made an effort to find them?—A. I have.

Q. You are custodian of the warrants, I believe?—A. Of the appropriation warrants.

By Mr. DAWES:

Q. Are there duplicates of those warrants and of all warrants, in other parts of the Treasury Department, besides those in your custody?—A. There are duplicates or registers of them all.

Q. Have you made search to ascertain whether you could obtain duplicates or registers of these particular warrants?—A. I have.

Q. With what result?—A. They can be found.

Q. If anybody desires to know anything about what either of those warrants was originally, it can be known by consulting the duplicate and the register, can it not?—A. It can.

Q. Have you been called upon by the chairman to look after the duplicates and registers?—A. I have.

Q. To produce them here?—A. I have.

Q. Have you produced them?—A. I have.

Q. Did you produce both duplicate and register, or only the duplicate?—A. Only the register.

Q. Have you compared that register with the duplicate that is also kept?—A. I have not.

Q. A comparison between the register and the duplicate would detect any discrepancy that might exist?—A. Certainly.

Q. So that the loss of the original, which belongs in the files, of which

you are custodian, does not deprive the Treasury Department of the evidence of what that warrant was?—A. Not in the least.

Q. How this original came to be out of your files you do not know?—A. I have no knowledge.

Q. It was the fact at the time you became custodian of them?—A. It was.

Q. When it occurred, or for what reason, you are ignorant?—A. I know nothing about it.

Q. But all the time there has existed this register of these warrants and this duplicate of them in the Treasury Department open to anybody who had a right to consult them?—A. Yes, sir.

By the CHAIRMAN :

Q. Is that in the shape of a warrant, or is it in the books in the form of an appropriation apparently on the books? Is the duplicate a duplicate warrant on paper, or is it in the books?—A. I understand it is in both forms.

Q. Will you produce a warrant which is written on paper, a duplicate other than in the books? We know it is in the books, the examination shows that. If you produce that I shall be obliged to you.—A. It is possible I may be mistaken about the duplicates of that class; I am not certain. I can ascertain in a few moments.

The CHAIRMAN. Please do so.

The witness, after a brief absence, returned with a book, which was submitted to the chairman and examined by him.

Q. (By the CHAIRMAN). You produce this as the book containing the duplicate of one of the warrants as to which you were interrogated?—A. I do.

Q. Explain in your own way what you wish to state about it?—A. I have found the duplicate of the last warrant under consideration, which is No. 947 of 1870, prior to which time there was no copy or duplicate made in the Secretary's office of that class of warrants.

By Mr. DAWES :

Q. Was there a register of that class of warrants kept?—A. There was, and always has been.

Q. So that there could have been found a register of it at any time?—A. Yes, sir.

Q. Whether the original was in the possession of the department or not?—A. Yes, sir.

Q. Ever since 1870 there has been also a duplicate as well as the same register?—A. Yes, sir.

By the CHAIRMAN :

Q. Does this purport to be an exact transcript of the original warrant?—A. I suppose it to be from the information I have received.

Q. I notice, in opening here, two erasures on this first page of this duplicate. Can you give any explanation of these? The amount of the item is \$1,166<sup>47</sup>/<sub>100</sub>, and the addition is \$30,529<sup>20</sup>/<sub>100</sub>. Those two entries on that page appear to be erased, and new figures apparently have been substituted. Do you know whether that is so on the original?—A. I do not know anything about it.

Q. I notice other apparent erasures in the book. You know nothing about the cause of them yourself?—A. I cannot say that I have any knowledge of the erasures of those particular figures, except that they might be produced from various causes.

Q. Are there various causes which might produce changes on a war-

rant after it has been signed by the Secretary ?—A. Not on that class of warrants, that I am aware of.

Q. The original of that is signed by the Secretary, is it not ?—A. Yes, sir.

Q. Does not that purport to be a transcript ?—A. It is a duplicate, but the original signatures I do not understand are on this.

Q. Of course not ; but they were on the original, and this purports to be a true copy of the original ?—A. So far as the amounts are concerned.

Q. Can you give us any cause why a warrant—not a book, but a warrant—should be scratched after having been signed by the Secretary ?—A. No, I cannot.

Q. But I understood you to say before that you could.—A. Not after it was signed by the Secretary ; but these warrants are not signed by the Secretary, and not even a duplicate of the Secretary's signature is annexed to these duplicates.

Q. When you brought that to us was it not intended to be shown as a copy of the original ?—A. So far as the appropriation is concerned.

Q. So far as the amounts of the appropriation are concerned ?—A. Yes, sir.

Q. And you can give us no reason why those amounts on the duplicate have been erased and apparently altered ?—A. Except through mistake, by putting down the wrong figure and erasing it to put down the right one. I often do that myself.

Q. In warrants ?—A. No, I never had anything to do with warrants, but I often do it in writing. If I am writing a letter or anything of that kind, if I write down a word that I think I ought to change I make an erasure.

Q. We are talking now of the alteration of the Treasury books and Treasury warrants.—A. I should do it on the Treasury books ; if I was copying a Treasury warrant I should do the same thing.

By Mr. DAWES:

Q. Do you know as a fact that there ever has been a warrant in the Treasury Department altered after it has been signed by the Secretary ?—A. I do not.

Q. Take the apparent erasure on this register of the warrant dated June 30, 1870 ; is there anything there to show that it was not to correct a mistake made by the penman when he copied it ?—A. I cannot see anything which does not show that fact.

Q. If the penman when he copied it found, after comparing his copy with the original, that he had made a mistake in a figure in that entry of \$1,166.67, would not that fact necessitate also a change in the footing ?—A. Certainly, it would.

Q. Is not the appearance of this book perfectly consistent with the idea that there was a clerical mistake made by the penman when he copied it ?—A. It is, in my opinion.

Q. Is there the slightest evidence in existence anywhere to your knowledge to the contrary ?—A. There is not.

By the CHAIRMAN :

Q. Do you know anything about why it was made ?—A. I do not.

Q. You know nothing, of your own knowledge, why those erasures were made ?—A. I do not.

By Mr. DAWES:

Q. You say that in your own experience in this department when you make an entry you often find it necessary to change a word or figure ;

that where you have made a mistake and written a word you did not intend to write, or put down a figure you did not intend to put down, you erase and substitute the correct word or figure?—A. I do.

Q. And what is your habit when you ascertain that fact when you are making entries?—A. To erase the figure or word that is wrong and put down the right one.

Q. Do you know of a single erasure or apparent alteration in any of the books of the Treasury Department that has arisen in any other manner than that?—A. I do not.

By the CHAIRMAN:

Q. Do you know anything about any alterations or erasures on the books at all?—A. I do not.

By Mr. DAWES:

Q. Beyond your own experience, you mean?—A. Beyond my own experience.

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JOHN W. GENTRY sworn and examined.

By the CHAIRMAN:

Question. Have you made a careful examination of certain ledgers of the Register and Secretary of the Treasury?—Answer. I have.

Q. You selected one of the number that you have examined as an example of all that you examined?—A. I did of those mentioned in this statement.

Q. Is the statement before you the statement you wish now to offer as being a correct statement of the erasures and apparent alterations on the books you examined?—A. It is.

The CHAIRMAN. I propose to offer that statement.

By Mr. DAWES:

Q. Is this a comparison with the same items in three sets of books? Where you found in one something which you call an erasure or apparent alteration, you took that same item and ran it through the other books?—A. Yes, sir.

Q. And this table contains all the erasures and apparent alterations that have come under your observation?—A. In the books enumerated in that statement.

Q. Going through how many books?—A. The first, ledger No. 2, I compared with the Register's and Comptroller's. Those three ledgers were compared at the same time. Besides these ledgers (as instructed by the committee), I compared several of the others, only with a view of seeing whether this detailed statement of Secretary's ledger No. 2 would be a fair average of the number of erasures occurring in the other ledgers enumerated. I went far enough to believe that this would be about an average of what the other books contain.

The CHAIRMAN. The statement is offered in evidence.

The statement was received in evidence, and is as follows:



## STATEMENT OF ERASURES AND APPARENT ALTERATIONS.

Comparison of Public Debt Appropriation Ledger No. 2, from office of Secretary of Treasury, with ledgers of Register and First Comptroller, containing same appropriations, from July 1, 1863, to June 30, 1870.

Year.	Date.	Number of warrant.	Folio, Secretary's ledger.	Debit or credit.		Secretary's ledger.	Register's ledger.	First Comptroller's ledger.	Warrant.
				Dr.	Cr.				
1866	June 21	8656	14	\$679 50		Scratched.....	Not scratched..	Not scratched	
		8657	14	639 05		do	do	do	
		8658	14	7,973 66		do	do	do	
1870	Feb. 9	333	14	6,952 60		do	do	do	
1863	Dec. 16	324	17	2,760 72		do	do	do	
1864	Oct. 4	925	34	31,000 00		do	do	do	
1866	Jan. 22	4848	34	66,625 00		do	do	do	
1864	Aug. 22		40	Out		do	do	do	
	Sept. 6	524	40	131 00		do	do	do	
1865	May 17	2944	41	33,616 15		do	do	do	
1866	Nov. 30	7451	43	Out		do	do	do	
1869	June 30	101	43	7,287,456 00		do	do	do	
1863	Nov. 3	8635	46		\$57,945,850 00	do	Scratched.....	do	Scratched.
		8639	46	5,550 00		do	do	do	
		8640	46	70,000 00		do	do	do	
		8641	46	607,100 00		do	do	do	
		8644	46	196,000 00		do	do	do	
		8740	47	520,200 00		do	do	do	
		8801	47	810 00		do	do	do	
1864	Dec. 3	8801	52	Out		do	do	do	
	Apr. 15	9445	52	130 00		do	do	do	
	Apr. 21	9479	53	Out		do	do	do	
	May 5	9543	53	2,536,842 38		do	do	do	
	June 18	9603	54			do	do	do	
	Dec. 9	1425	61	Out		do	do	do	
	Dec. 19	1554	61	Out		do	do	do	
1865	Jan. 10	1787	62	1,250,000 00		do	do	do	
	Apr. 7	2605	66	41,220 00		do	do	do	
	Apr. 7	2607	66	10,095 00		do	No entry	No entry	
	Apr. 7	2608	66	3,264 77		do	do	do	
	Apr. 7	2609	66	12 55		do	do	do	
	Apr. 7	2610	66	2 50		do	do	do	
	Apr. 7	2611	66	169 79		do	do	do	
	Apr. 7	2612	66	19 38		do	do	do	
	Apr. 7	2613	66	66 51		do	do	do	
	Apr. 7	2614	66	22,000 00		do	do	do	
	Apr. 7	2615	66	5,818 90		do	do	do	
	Apr. 14	2674	66	Out		do	do	do	

2006	66	8,324 08	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do
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Comparison of Public Debt Appropriation, Ledger No. 2, from office of Secretary of Treasury, &amp;c.—Continued.

Year.	Date.	Number of warrant.	Rolls, Secretary's ledger.	Debit or credit.		Secretary's ledger.	Register's ledger.	First Comptroller's ledger.	Warrant.
				Dr.	Cr.				
1866	May 4	2829	187	Out.		Scratched.	Not scratched.	No entry.	Scratched.
	Dec. 27	4675	184		\$0 53	do	do	Not scratched.	
	Jan. 2	4755	188		111,600 00	do	do	do	
	Aug. 8	249	191		729,318 74	do	do	do	
	Oct. 5	311	191	Out.		do	do	do	
1869	June 30	101	191		1,390,135 09	do	do	do	Scratched.
	Jan. 27	1945	184	Out.		do	do	do	
	June 30	101	184		9,290 00	do	do	do	
	Aug. 12	8416	201		4,500 00	do	do	do	
	Oct. 26	8565	205		28,485 01	do	do	do	
1863	Nov. 2	8653	208		839,100 00	do	do	do	Scratched.
	Feb. 3	9121	210		9,698 74	do	do	do	
	Mar. 8	9116	210		1,273 54	do	do	do	
	Apr. 27	9494	214		1,016 36	do	do	do	
	May 16	9749	216		24,420 00	do	do	do	
1864	June 10	9633	218		71,280 00	do	do	do	Scratched.
	Aug. 15	429	223		121 66	do	do	do	
	Sept. 10	901	224		978 74	do	do	do	
	Oct. 30	739	226		1,767 05	do	do	do	
	Dec. 31	967	228		354 61	do	do	do	
1865	Jan. 30	1701	235		28,560 00	do	do	do	Scratched.
	Feb. 15	2138	240		24,420 00	do	do	do	
	Apr. 17	2662	245		16,789 18	do	do	do	
	May 11	2874	247		12,840 00	do	do	do	
	June 23	3306	252		5,465 48	do	do	do	
1866	July 17	3949	248		11,100 00	do	do	do	Scratched.
	Aug. 14	3187	250		653 33	do	do	do	
	Sept. 24	3669	254		3,179,049 13	do	do	do	
	Oct. 7	967	228		5 47	do	do	do	
	Dec. 31	505	235		336 11	do	do	do	
1867	Jan. 30	1701	235		2,186 58	do	do	do	Scratched.
	Feb. 15	2138	240		737 97	do	do	do	
	Apr. 17	2662	245		2,531 50	do	do	do	
	May 11	2874	247		11 56	do	do	do	
	June 23	3306	252		637 96	do	do	do	
1868	July 17	3949	248	Out.		do	do	do	Scratched.
	Aug. 14	3187	250		61,920 00	do	do	do	
	Sept. 24	3669	254		40,680 00	do	do	do	
	Oct. 7	967	228		500,000 00	do	do	do	
	Dec. 31	505	235		69,180 00	do	do	do	

[illegible]

## Comparison of Public Debt Appropriation, Ledger No. 2, from office of Secretary of Treasury, &amp;c.—Continued.

Year.	Date.	Number of Warrant.	Rolls, Sec- retary's ledger.	Debit or credit.		Secretary's ledger.	Register's ledger.	First Comptrol- ler's ledger.	Warrant.
				Dr.	Cr.				
1866	Aug. 1		253	Out		Scrapped.	No entry.	No entry.	
		6461	253	\$547 37		do	No entry.	No entry.	
	Sept. 2	6859	257	899 85		do	Not scratched.	Not scratched.	
	24	6807	257	8 82		do	do	do	
	24	6808	257	409 76		do	do	do	
	24	6809	257	545 10		do	do	do	
	24	6810	257	180 00		do	do	do	
	24	6811	257	1 018 95		do	do	do	
	25	6812	257	1 656 39		do	do	do	
	25	6813	257	64 12		do	do	do	
	25	6806	257	488 18		do	do	do	
	25	6873	258	1 245 86		do	do	do	
	Oct. 6			\$21,438 40		do	do	do	
	Sept. 27	392	258	208 71		do	do	do	
	Oct. 12	7047	258	279 56		do	do	do	
	Oct. 12	7049	258	22,986,917 00		do	do	do	
	Nov. 1	7236	259	764 41		do	do	do	
	1	7237	259	763 38		do	do	do	
	1	7238	259	Out		do	do	do	
	Sept. 20	456	259	2,473 00		do	No entry.	No entry.	
	Nov. 10	7293	251	386 24		do	Not scratched.	Not scratched.	
	10	7294	251	83 67		do	do	do	
	10	7295	251	42 87		do	do	do	
	10	7296	251	798 70		do	do	do	
	14	7321	251	243 49		do	do	do	
	25	7434	252	34 36		do	do	do	
	30	7450	252	4,000,000 00		do	do	do	
	Dec. 11	7546	253	47 47		do	do	do	
	20	7602	253	7 62		do	do	do	
	20	7605	253	34 36		do	do	do	
	20	7606	253	138 95		do	do	do	
	20	7607	253	13 11		do	do	do	
	20	7608	253	3 59		do	do	do	
	Jan. 14	66	254	500,000 00		do	do	do	
	Dec. 31	744	256	1,000,000 00		do	do	do	
	1866	647	258	172 08		do	do	do	
	June 4	656	258	5 79		do	do	do	
	8	657	258	16 53		do	do	do	
	8	658	258	6 76		do	do	do	
	8	659	258	13 79		do	do	do	
	11	661	258	27 09		do	do	do	
	11	662	258			do	do	do	
1867	Jan. 14								
1866	Dec. 31								
1867	June 4								

1866	July 12	683	298	840 98	do	do	do	do	do	Not scratched
	July 5	734	300	1 97	do	do	do	do	do	
	Nov. 21	735	293	5 05	do	do	do	do	do	
1867	Nov. 21	188	293	Out	do	do	do	do	do	Not scratched.
	Nov. 21	201	298	Out	do	do	do	do	do	
	Dec. 31	250	298	Out	do	do	do	do	do	
	June 29	81	296	Out	do	do	do	do	do	
	July 6	13	301	143, 782, 220 70	Scratched	do	do	do	do	
1868	July 6	21	301	1, 45 62	do	do	do	do	do	Not scratched.
	July 16	35	301	3 45	do	do	do	do	do	
	July 27	35	301	38 32	do	do	do	do	do	
	Aug. 7	112	301	7 30	do	do	do	do	do	
	Aug. 7	113	301	127 75	do	do	do	do	do	
	Aug. 7	114	301	3 45	do	do	do	do	do	
	Aug. 14	135	301	499 50	do	do	do	do	do	
	Aug. 16	149	301	137 50	do	do	do	do	do	
	Sept. 16	291	301	299 00	do	do	do	do	do	
	Sept. 16	358	302	5 48	do	do	do	do	do	
1869	Sept. 16	359	302	3 65	do	do	do	do	do	Not scratched.
	Aug. 30	377	302	Out	do	do	do	do	do	
	Oct. 11	865	302	1 84	do	do	do	do	do	
	Oct. 11	865	302	20 96	do	do	do	do	do	
	Jan. 8	19	303	66 45	do	do	do	do	do	
	Jan. 8	19	303	7 71	do	do	do	do	do	
	Jan. 8	19	303	15 42	do	do	do	do	do	
	Jan. 8	19	303	116 28	do	do	do	do	do	
	Jan. 8	19	303	6 83	do	do	do	do	do	
	Jan. 8	19	303	33 90	do	do	do	do	do	
1869	Jan. 8	19	303	180 82	do	do	do	do	do	Not scratched.
	Jan. 8	19	303	4, 000, 000 00	do	do	do	do	do	
	Jan. 8	19	304	Out	do	do	do	do	do	
	Jan. 8	19	304	1 64	do	do	do	do	do	
	Nov. 30	274	306	300, 000 00	do	do	do	do	do	
1867	Nov. 30	370	307	14, 512, 922 90	do	do	do	do	do	Not scratched.
	Jan. 31	136	309	4, 273, 871 40	do	do	do	do	do	
	Jan. 31	135	310	5 20	do	do	do	do	do	
	Sept. 6	161	310	3 54	do	do	do	do	do	
	Sept. 6	175	310	Out	do	do	do	do	do	
1867	Dec. 10	208	311	2, 210, 050 00	do	do	do	do	do	Not scratched.
	June 29	878	380	490 00	do	do	do	do	do	
	June 29	878	380	11, 700 00	do	do	do	do	do	
	Apr. 4	417	386	Out	do	do	do	do	do	
	Apr. 31	880	387	41, 877 00	do	do	do	do	do	
1868	Sept. 14	924	381	Out	do	do	do	do	do	Not scratched.
	Sept. 14	924	381	Out	do	do	do	do	do	
	Sept. 14	925	387	13, 601 26	do	do	do	do	do	
	Oct. 28	112	450	8, 338 82	do	do	do	do	do	
	Oct. 28	112	450	48, 531 91	do	do	do	do	do	
1865	June 26	680	500	108, 384 85	do	do	do	do	do	Not scratched.
	May 22	2992	500	456, 509 00	do	do	do	do	do	
	May 27	2998	500	108, 384 85	do	do	do	do	do	
	Ang. 14	3717	503	456, 509 00	do	do	do	do	do	
	Ang. 14	3717	503	10, 600 00	do	do	do	do	do	
1865	Oct. 2	4112	505	10, 600 00	do	do	do	do	do	Not scratched.
	Oct. 2	4096	505	500 00	do	do	do	do	do	

Comparison of Public Debt Appropriation, Ledger No. 2, from office of Secretary of Treasury, &c.—Continued.

Year.	Date.	Number of warrants.	Debit or credit.		Secretary's ledger.	Register's ledger.	First Comptroller's ledger.	Warrant.
			Dr.	Cr.				
1865	Oct. 17	4216	\$1,002,700 00		Scratched.	Not scratched	Not scratched	
		4216			do	do	do	
		4264	989,535 35		do	do	do	
	Dec. 13	4581	242,480 00		do	do	do	
1866	Mar. 26	5294	10,400 00		do	do	do	
	May 7	5619	90,000 00		do	do	do	
	June 19	6021	3,000 00		do	do	do	
		6022	243,110 00		do	do	do	
		6023	7,500 00		do	do	do	
		6024	252,200 00		do	do	do	
		6025	1,200 00		do	do	do	
		6026	2,700 00		do	do	do	
		6027	12,800 00		do	do	do	
	Aug. 14	6552	1,004 33		do	do	do	
		6813	177,000 00		do	do	do	
		6814	45,000 00		do	do	do	
		6815	1,100 00		do	do	do	
		6816	1,500 00		do	do	do	
		6823	160,500 00		do	do	do	
	Sept. 4	6738	13,422,059 01		do	do	do	
		7245	9,800 00		do	do	do	
	Nov. 3	7255	22,000 00		do	do	do	
		7301	100,000 00		do	do	do	
		7330	3,000 00		do	do	do	
	16	7340	180,000 00		do	do	do	
	17	7340	4,850 00		do	do	do	
	17	7352	11,700 00		do	do	do	
	20	7353	880,000 00		do	do	do	
	20	7351	790 00		do	do	do	
	20	7467	4,500 00		do	do	do	
	30	7468	1,300 00		do	do	do	
	30	7470	2,400 00		do	do	do	
	30	7471	15,000 00		do	do	do	
	30	7472	15,000 00		do	do	do	
	30	7473	350 00		do	do	do	
	30	7474	1,100 00		do	do	do	
	30	7475	83,900 00		do	do	do	
	30	7476	100,000 00		do	do	do	
	30	7476	1,000 00		do	do	do	
1867	June 24	688	1,500 00		do	do	do	

Aug.	7	813	537	230 00	do	do
Aug.	7	813	537	230 00	do	do
Oct.	3	638	500	500 00	do	do
Nov.	8	1023	538	1,000 00	do	do

NOTE.—The word "scratched" indicates that the amount is entered over an erasure. In this ledger (from Secretary's Office) there are three hundred and seventeen (317) erasures and apparent alterations.



The eight (8) ledgers enumerated below have also been examined, with the results as stated.

*Three (3) ledgers from office of Register.*

Title of ledger.	Period.	Number of erasures and apparent alterations.
1. Interior appropriation ledger No. 4.	From July 1, 1861, to June 30, 1868.	One hundred and fifty-three.
2. Naval appropriation ledger No. 6.	From July 1, 1861, to June 30, 1866.	One hundred and thirty-seven.
3. Military appropriation ledger No. 13.	From July 1, 1867, to June 30, 1871.	One hundred and thirty-eight.

*Six (6) ledgers from office of Secretary of Treasury.*

Title of ledger.	Period.	Number of erasures and apparent alterations.
4. Interior appropriation ledger No. 3.	From July 1, 1860, to June 30, 1868.	Two hundred and ninety-six.
5. Naval appropriation ledger No. 5.	From July 1, 1860, to June 30, 1863.	One hundred and ninety-three.
6. Naval appropriation ledger No. 6.	From July 1, 1863, to June 30, 1867.	Six hundred and sixty-eight.
7. Naval appropriation ledger No. 7.	From July 1, 1867, to June 30, 1875.	Four hundred and fifty-seven.
8. Military appropriation ledger No. 10.	From July 1, 1859, to June 30, 1863.	One hundred and sixty-eight.

Three ledgers from Register's Office, containing ..... 428 erasures and apparent alterations.  
 Six ledgers from Secretary's Office, containing ..... 2,099 erasures and apparent alterations.

Total in 9 ledgers ..... 2,527

I certify that I have carefully examined the nine (9) ledgers enumerated above, and that the foregoing is a true statement of the erasures and apparent alterations.

JNO. W. GENTRY,  
*Clerk.*

Q. (By Mr. DAWES.) In the cases where your tables show what are called erasures and alterations, are you able to tell what the figures, as they now exist, have been substituted for?—A. I am not.

Q. Then you are not able to state what is the amount, if any, of an alteration in any given case?—A. I am not.

Q. And you have not meant to state in your column of amounts that the alterations have been to the amount stated?—A. By no means.

Q. Only that those are the figures which now exist in those items?—A. The figures which now appear on the books.

Q. Whether there had been an alteration from one figure to another you do not know; you only know that there have been erasures, which appear to have been for the purpose of putting something else in the place of what was there originally?—A. Yes, sir.

Q. Whether there was a change from one figure to another, or whether there had been any there originally, you are not able to say?—A. There are some cases in which part of a figure may be seen. Of course I do not know what the figures were.

Q. You do not know what that which now appears was substituted for in any case?—A. I do not.

Q. So you are unable to state whether this was done at the time the entry was originally made or afterwards?—A. I cannot say as to that.

Q. You cannot say whether it was done at the time the entries were originally made or afterward?—A. No, sir.

Q. Of course, then, you could not tell whether it was done before or

after the books were balanced up?—A. I could not. If the alterations were made—if there were alterations made—before the books were balanced, there would be changes in the amount of the balances.

Q. But the change in the footings might have been made at the time the footings were made, might they not?—A. That might be.

Q. And they might have been made afterward?—A. Yes, sir.

Q. Upon that point you have no knowledge?—A. None.

Q. These erasures that have attracted your attention are sometimes in receipts into the Treasury, and sometimes in payments out of the Treasury, are they not?—A. Yes, sir; in payments. I did not examine receipts.

Q. A receipt into the Treasury is covered by a warrant, is it not?—A. That is my understanding.

Q. And so it is in the case of a payment out of the Treasury?—A. Yes, sir.

Q. In this table have you followed those items into the other corresponding books of the Treasury, to ascertain whether there was the same erasure or alteration apparently in the other books?—A. I have through three sets of books.

Q. Is the result stated here?—A. Yes, sir.

Q. Have you also sought the warrant?—A. I examined some of the warrants that I selected.

Q. Some of the warrants referring to items in this table?—A. Yes, sir; there is one warrant, No. 919, an appropriation warrant.

Q. Have you examined these warrants covering into, or paying out of the Treasury for the items which have no entry under the head of "warrant" in this table?—A. I have not.

Q. The only warrants which you have examined are those which have some entry under the head of "warrant" here?—A. Yes, sir; some of the warrants paying money out are noted on the margin, which I selected. Here is one case where it is marked, "not scratched." In each case I have noted whether the warrant was mutilated or not.

Q. That indicates the number of warrants which you have examined?—A. In this ledger. They have all been examined, though, by Mr. Woodville, I believe.

Q. He would be able to answer in regard to the warrants?—A. Yes, sir. I selected only those where I found alterations on two or more ledgers. There are certain numbers that have not been delivered to us.

Q. Take this statement which you have prepared from ledger No. 2. How many entries in all in that ledger did you look over?—A. I took ledger No. 2 from the office of the Secretary, and compared the other two ledgers with the scratches found on that book.

Q. Had you the book before you?—A. Yes, sir; all three books.

Q. The corresponding books in the three sets?—A. Yes, sir.

Q. Among how many entries in all was it that you found this number that were erased?—A. I could not say.

Q. Did this number constitute one-half of all the entries in the books?—A. No, sir.

Q. One-quarter?—A. I cannot make an average. I have no idea of the proportion.

Q. Can you give no idea to anybody who has not seen the books?—A. That book, appropriation ledger No. 2, runs from July 1, 1863, to June 30, 1870, seven years.

Q. With an immense number of entries?—A. Yes, sir.

Q. About how many entries are there to a page?—A. If you will

allow me, I will look at the book. [Examining appropriation ledger No. 2.] I find fifty lines on a page.

Q. How many pages in that ledger?—A. The last account seems to be on page 540.

Q. How many lines would that make?—A. At the same time there are a number of blank leaves between. From folio 410 to 499 the pages are blank.

Q. About how many pages of that ledger contain entries?—A. I should say about 400.

Q. About 400 pages of the ledger and about 50 lines on a page?—A. Fifty lines to the page would not apply to every account, for some are entirely blank on the credit side, and some pages have only one entry to an account.

Q. If these 400 pages were full, there would be how many entries?—A. Four hundred times 50 would be 20,000.

Q. So, out of this ledger No. 2, how many entries have you transcribed on your table from the book?—A. Three hundred and seventeen.

Q. Have you found in any instance where you have examined the warrants, that either a warrant covering in or a warrant paying out money now differs from the entry as it stands on the book?—A. Not as it stands at the present time.

Q. As the entry stands in the book at the present time, the warrant covering in or the warrant paying out agrees with it, so far as you have examined?—A. They agree.

Q. You have found no discrepancy in that respect?—A. None.

Q. The Receipts and Expenditures are published every year, are they not?—A. They are.

Q. Have you compared these warrants with the published Receipts and Expenditures?—A. I have not.

Q. You do not know whether they are accurately published as the warrants justify?—A. I have made no examination of that.

Q. How many books besides this ledger No. 2, which you have taken as an example, did you examine?—A. With a view to this particular branch of erasures, I examined eight besides this one.

Q. Nine in all?—A. Yes, sir; with a view to this point.

Q. Are they, in general, books of the same nature with this ledger No. 2?—A. Yes, sir; they are.

Q. And in general about the same size?—A. Some larger.

Q. Any smaller?—A. I think none are smaller.

Q. Are they generally as full of entries as this ledger No. 2?—A. I should think so.

Q. You think ledger No. 2 is generally a fair specimen of the size of the books, and of the number of entries in them of all the nine?—A. It is not quite so large as some of them.

Q. Some of them are even larger than this, and you do not think any are smaller?—A. I do not think any are smaller.

Q. Are those that are larger considerably larger?—A. Several hundred pages larger, some of them.

Q. And going through these nine books you have noted, in the manner you have noted in this ledger No. 2, how many erasures and apparent alterations in all there are?—A. Yes, sir; I have the number stated on the table I have prepared. The total in nine ledgers is 2,527.

Q. And so in respect to this whole number, so far as you have examined, you have found no discrepancy between the figures as they now exist and the warrants covering in or paying out?—A. No difference as the figures now appear.

By Mr. BECK:

Q. How many pages of writing are in this ledger No. 2, from beginning to end?—A. Five hundred and forty in the last account.

Q. But from 312 to 500 the pages are all blank, with the exception of two or three?—A. Yes, sir. If you want an accurate statement, I will count each page.

Q. O, no. From 312 to 500, with the exception of two or three pages, the pages are all blank; is that the fact?—A. That is the fact as I see after making a further examination. I counted before from the entry on page 410, not having closely examined the preceding pages.

Q. And in the space from folio 1 to 312 are there not a good many other blanks?—A. There are some scattered through.

Q. Is it not the fact that there are perhaps less than 300 pages in all on which there is any writing, when you come to look at the number of blanks?—A. Since this further examination I am satisfied there are not much over 250 full pages.

Q. And on a number of those only two or three entries?—A. Yes, sir.

By Mr. DAWES:

Q. Be kind enough to give us the exact number of pages?—A. I will examine, and do so.

By Mr. BECK:

Q. On some pages there is but one entry.—A. Yes, sir.

By Mr. DAWES:

Q. Take the largest book of your nine and tell us something about that.—A. I will do so.

The witness was relieved for the present, but subsequently recalled, and his examination continued as follows:

By the CHAIRMAN:

Q. In selecting the particular book, appropriation ledger No. 2, did you select the ledger that had the most erasures upon it or not?—A. No, sir.

Q. Did you select a ledger that has many more erasures on it than that, and did not the Chairman suggest to you to take an average ledger instead of the worst one?—A. He did.

By Mr. DAWES:

Q. You have gone through two of the books and counted the number of pages. In the nine books, if you take the two extremes, what would be the average number of pages written on?—A. Four hundred and two pages. Taking these two amounts, 508 pages for the larger and 296 for the smaller one, the writing would make an average in the nine ledgers of 402, and an aggregate of 3,618.

Q. Thirty six hundred and eighteen pages of fifty lines in a page?—A. Not all full pages. A great many have only one entry on a page.

Q. Are there not a great many of these pages on which there are seventy entries on a page?—A. Yes, sir; a great many pages where the debit is carried over to the credit side. The majority of the pages, however, are not full; a great many contain only one entry.

Q. Do not the majority of the pages contain double entries in the sense in which I have stated?—A. I cannot say the majority of pages.

Q. Should you think so?—A. A great many contain entries on both sides.

Q. If the number of pages were full, how many entries would all the

books contain with but one entry on a line!—A. 180,900, counting each page as full.

Q. Does that take into account any of the double entries on the same page?—A. No, sir.

Q. Nor does it take into account any of the blank spaces?—A. No, sir; making that average it would not.

WILLIAM WOODVILLE recalled:

By the CHAIRMAN:

Q. Have you made a copy of the warrant No. 919, of 1869?—A. Yes, sir; this is it (producing a paper).

Q. Is that a true copy of the original warrant?—A. I am not prepared to say. Mr. Gentry and myself are going to compare it and hand it to the reporter to-morrow, and then we shall testify that it is a true copy.

Q. Did you make it for a true copy?—A. I did make it for a true copy and have copied it carefully, but I have not yet compared it with the original; I will do it; it is intended to be a true copy.

By Mr. DAWES:

Q. If you find in comparing your copy with the original that you have made a wrong entry of a word, you will erase it and put in the right word?—A. Yes, sir; in the copy.

Q. With the intention, of course, of making it right?—A. Yes, sir.

Q. Have you ever done that in preparing papers?—A. Yes, sir; when I have made a mistake of course I have done it.

Q. You are a bookkeeper, are you not?—A. Yes, sir; I have been.

Q. In your entries in books has it been your misfortune ever to get a wrong word or a wrong figure?—A. Yes, sir.

Q. What did you do with the book then?—A. I scratched it.

Q. For the purpose of making it what it should have been?—A. A bookkeeper unavoidably sometimes will make a transposition of figures.

Q. And you scratch out what has been put down for the purpose of making it what you intended to make it when you made the entry?—A. Yes, sir.

By Mr. BECK:

Q. State what there is on the paper you hand in as a copy, if anything, in addition to what appears in the original warrant?—A. Nothing, but the red-ink memoranda. The body of it is exactly as it appears in the original.

Q. You have added in red ink the comments on your copy?—A. Yes, sir.

Q. They are not made part of your copy, but are explanatory?—A. Yes, sir; when I said it was a true copy I did not mean to say that the marginal notes are in the original.

The CHAIRMAN. I directed the witness to note where there were apparent alterations.

Mr. BECK. We understand it.

By the CHAIRMAN:

Q. Have you prepared certain statements for the committee?—A. Yes, sir; I have them here numbered.

The CHAIRMAN. These are certain statements prepared by the com-

mittee that we propose to offer in evidence. [To the witness.] Have you prepared these statements yourself?—A. Yes, sir; they are a comparison between the figures as I found them.

Q. Did you take all the figures there from official reports?—A. Yes, sir, with the exception of the Navy Department. I went to the Navy Department books and took certain amounts which are specified at the bottom in their ledger.

By Mr. INGALLS:

Q. Examine this copy, or alleged copy, of the warrant referred to in the sixth line on the third page, and inform the committee if there has not been an erasure in your copy.—A. Yes, sir; there is an erasure in the copy.

Q. What does that indicate?—A. Being a copy, I did not take as much pains as I otherwise would have done, except to be correct in the phraseology of the figures.

Q. What was the original entry you made in that line?—A. I put the 69 of the year there. The original being longer than this, I wanted to crowd my letters in the space and get the sum total at the foot. The only scratch I made there I had the "69" underneath, but it would look better as it is now, and I scratched it out and put it there.

Q. Would it be just to say there that the new figures had apparently been substituted?—A. This is not an original document.

Q. Just answer my question. Would it be just to make a marginal reference there saying that new figures had apparently been substituted?—A. I think for a copy it would be very just, because I could make another copy. The signatures are merely signed. I can make another copy if there is any objection to this.

Q. I am not speaking about that. I want to call your attention to your marginal notes here. You say, "This amount scratched and new figures apparently substituted." What reason have you for believing that new figures have been substituted?—A. That is not an amount; it is a year.

Q. You are hypercritical. I am talking about the fact. There is an erasure in your own copy that you yourself made, and I ask you to say whether there were any new figures substituted in that place?—A. No, sir; there were no new figures substituted.

Q. Do you not see, then, that there is just as much reason for supposing that these original erasures may have been of the same character as you made in this copy, and that there was no new substitution of figures?—A. I do not say that I suppose any new figures were substituted; but I say when you come to the figures being scratched, and the totals being scratched also, I merely say "apparently."

Q. Why do you say that new figures apparently have been substituted?—A. I do not say that new figures are apparently substituted.

Q. In your marginal notes, do you not use that language?—A. I use that language.

Q. Do you mean it?—A. I do not mean it at all.

Q. What do you mean?—A. I put those words down under instructions.

Q. Then you do not mean to say that there are new figures substituted?—A. I do not know whether they are new figures or not. I know there have been scratches.

Q. You do not wish to be understood, then, as saying what your marginal notes express?—A. I do not mean to assert that there are new figures put down there. My own impression is that the figures have

been scratched and probably new figures have been put in there, but I do not assert it.

Q. You say that these marginal notes were made here by direction!—A. Yes, sir.

Q. Whose direction?—A. The Chairman's.

Q. What did he direct you to put in as marginal notes?—A. Just to note whether and say whether there were apparent alterations, as expressed there.

Q. Then he gave you the verbiage of your marginal annotations?—A. Yes, sir.

By Senator DAWES:

Q. I hold in my hand table marked 13, that you have prepared for the committee. Will you hold it up to the light and tell me whether it does not appear that in the total \$321,623,678.60 there has been an erasure and an apparent alteration?—A. Yes, sir; there is.

Q. You can explain that, of course?—A. Of course I can. One account only ran to 1876, and I took the 1877 out so as to bring them to the same footing.

Q. Is there any evidence, that has come to your knowledge, why the men who made the entries in the several books of the Treasury Department, which you have noticed, if they were here, could not explain them in the same way?—A. Probably they could.

Q. You do not know of any reason why those erasures do not occur just like this of yours?—A. I do not.

Q. The difference, \$11,384,403.74, if you hold that table up to the light, shows an erasure in the same way, does it not?—A. Yes, sir.

Q. That was to make certain figures, which were originally put there, more correct, was it not?—A. No, sir; as I told you, this account ran to 1876, and I scratched 1877 off here (indicating), and altered the totals.

Q. You did that because the facts required you to do it?—A. Yes, sir; the facts required me to do it.

Q. If you hold the paper up to the light it shows that there have been erasures and alterations in that report?—A. That is another statement put on there—an afterthought.

Q. Holding table No. 8 up to the light you see that where the words "for the fiscal years 1860 to 1870, inclusive," appear, there has been an erasure and apparently some other word put over it?—A. Yes, sir.

Q. That was to make a correction, was it not?—A. To make a correction.

Q. To make it exactly what it should be?—A. Yes, sir.

Q. I ask you the same question in reference to any erasure you have found in any of the books of the department, if the man who made that erasure were here, is there any evidence upon the books why he could not make the same explanation?—A. Very likely he could.

Q. In your experience at this kind of work, is it not the constant fortune of a man to be obliged to change words and figures?—A. Of course.

Q. So as to get upon the paper exactly what he intended at the beginning?—A. Yes, sir; a man will sometimes read wrong what he is copying.

Q. Mr. Gentry stated that he had followed out several of the items that have been put down in the table of erasures and apparent alterations, to the warrant which had either covered the item into the Treasury, or had authorized its payment out, and that in those cases which

he had followed out, the warrant corresponded with the entry as it now exists, but that you had followed all the rest of them out. I ask you, therefore, the same question that I asked him. You have followed out all the other apparent erasures and alterations that you have tabulated, to the warrant itself?—A. Yes, sir.

Q. In any instance have you found any discrepancy between the warrant and the figures as they now stand upon the Treasury books?—A. Let me understand you. Do you ask if I found the scratches to run through?

Q. No. My question is whether the warrant as it now stands in words and figures and the Treasury book as it now stands in words and figures, agree; whether there is any discrepancy between them?—A. There is no discrepancy.

Q. The warrant covering in on the side of receipts and the warrant paying out on the side of expenditures correspond in words and figures with the words and figures as they now stand upon the books?—A. They agree; but allow me to correct you. The covering-in warrants do not appear on this debt ledger that you have here. That contains the expenditures on account of public debt. The receipts which were covered into the Treasury under the covering-in warrant were entered on another ledger.

Q. But you also compared that?—A. I have compared them all.

Q. Does any one of your tables, except this one in respect to ledger No. 2, show whether any scratch or apparent alteration appears in more than one place; that is, in different books? This one, I understand, indicates wherever a scratch appears, whether the same scratch appears on the corresponding books?—A. Mr. Gentry has put down there in ledger No. 2 what scratches there are, and I believe in the indefinite appropriation warrants in some cases they run through all the warrants.

Q. But how many have you indicated on your table which you have heretofore furnished?—A. I did not furnish that table; Mr. Byrne furnished that table.

Q. The table which Mr. Byrne furnished you helped him make out, did you not?—A. No, sir.

Q. The authenticity of that table, therefore, you do not know anything about from personal knowledge?—A. I examined it.

Q. With him? Did you compare it with the books?—A. Yes, sir.

Q. Then you are able to vouch for its accuracy. As to the table which Mr. Byrne prepared and which you compared with the books, have you compared the items in that table with the different sets of books in the departments and with the warrants?—A. Yes, sir.

Q. Does the table itself indicate whether the scratches found in one set of books are found in the other sets of books?—A. No, sir; with a few exceptions.

Q. Nor do they show whether the same scratches are found in the warrants?—A. No, sir. "November 1, 1866, warrant No. 7236," scratched on Secretary and Register and not scratched on Comptroller, \$22,986,917.

Q. That is the amount of the warrant?—A. Yes, sir. The other, "August 1, 1865, No. 3629," scratched on Comptroller and not scratched on Secretary and Register.

Q. Are those as far as you examined, or are those all you found?—A. All I found.

Q. Then all you found that were scratched on the different series of books are these two?—A. Yes, sir.

By Mr. INGALLS:

Q. Please to examine the table designated as "No. 3 C," on page 151



of the printed testimony, and state what it purports to be?—A. "Statement taken from the Secretary's statements in finance reports and to the committee of the net ordinary and gross receipts and expenditures, and of the receipts and expenditures on account of the public debt of the United States, from March 4, 1789, to June 30, 1879, inclusive."

Q. Is that a correct statement of the contents of that table?—A. These are the figures as they appear.

Q. Answer the question. Is that a correct statement of the contents of that table?—A. For those years; yes, sir.

Q. Will you examine the first item, and state in what year it purports to begin?—A. It purports to begin, the table says, originally in 1789.

Q. Just answer my question; do not go to explaining. What is your first item on that table under that statement?—A. 1791 to 1832.

Q. Is that table correct?—A. Correct, according to the Secretary's statements in the finance reports; yes, sir.

Q. I ask you if it is correct—if that is a statement from 1789 until 1879?—A. That I cannot answer; I have not examined the books. It is correct, according to the published statements of the Secretary.

Q. What was the amount of the debt from 1789 to 1791? You say in your statement that that table is an exhibit of the net ordinary and gross receipts and expenditures and receipts and expenditures on account of the public debt of the United States from March 4, 1789, to June 30, 1879, inclusive, and your first period named under that statement is "from 1791 to 1832, inclusive"?—A. Yes, sir.

Q. Now, state to the committee what the amount of ordinary and gross receipts and expenditures and receipts and expenditures on account of the public debt of the United States was from March 4, 1789, until 1791, and where it appears in that table. Does it appear in it?—A. No, sir; it does not appear. I added those figures up myself, and the total of all of them appears. I added that up myself from that table. The total agrees.

Q. I understand that the total agrees; but what I want you to state is whether or not, upon an inspection of the printed copy, the statement of what that table contains corresponds with the actual facts of its contents?—A. Let me ask you a question, Mr. Senator.

Q. Certainly.—A. Do you mean to ask me if it appears divided into these different periods? Is that the meaning of your question?

Q. I want to ask you whether that is a correct statement of the public debt?—A. The total is correct.

Q. Is the table correct, in accordance with your statement in the caption that is printed?—A. Well, it is a kind of analysis of that table.

Q. There is a discrepancy between your statement of what that table contains and what it actually does contain, is there not, or an apparent discrepancy?—A. It is not a discrepancy; it is just taking the table and dividing it into certain periods.

Q. Where is the period beginning at 1789?—A. To 1832?

Q. Where in your table is the period beginning 1789, March 4?—A. In some of the tables they put 1789 and in others they do not.

Q. I am talking about your table?—A. That is intended to be from the beginning of the government; that is the earliest period.

Q. Is it from the beginning of the government?—A. According to their statement; yes, sir?

Q. According to whose statement?—A. The Secretary's statement and the finance reports.

Q. Then I understand you to say the finance reports and the statements of the Secretary of the Treasury begin in 1791?—A. No, sir.

The first statement the Secretary made up was in the finance report of 1870 in which he commenced that way. I will show it to you. [Exhibiting finance report of 1871.] There it is.

Q. This table, "3 C," is a compilation of your own, is it not?—A. It is a compilation, certainly. I made it up according to instructions.

Q. But this statement, as I understand you now, does not contain the receipt and expenditures on account of the public debt of the United States from March 4, 1789?—A. It is a copy from the Secretary's finance report exactly as it appears there.

Q. Is there anywhere in the accounts that you have examined or the statements that you have investigated a declaration that the debt has been stated from March 4, 1789, to June 30, 1879?—A. Yes, sir; I can show you in one of the finance reports [producing the finance report of 1876]. On page 18 of this report those two amounts agree exactly with that. It is an analysis of that statement by certain periods. It is an analysis of that statement of \$116,000,000 difference by certain periods. That was the object of it.

Q. But that does not, as I understand you, include a statement from the year 1789 to the year 1791?—A. That I cannot answer. I can tell you where I got that. To be sure, I did this: I took the liberty of taking that from the Register in the same finance report.

Q. Then you have changed the statement made by the Secretary of the Treasury, and have added at your own instance words taken from another source?—A. I have included more in that first date, but I have not altered the figures any.

Q. I am not asking you about the figures. You say that you took the liberty to interpolate something in the report of the Secretary of the Treasury taken from the report of the Register on the finances?—A. I put it there from this "statement of expenditures from March 4, 1789." I remember now where I got it. They all run that way, from March 4, 1789.

By Mr. BECK:

Q. Just see if the headings of the Finance Reports—take any one of them, 1877, 1871, 1870—are not in that way?—A. They all run that way.

Q. They purport to begin with 1789 and actually begin with 1791?—A. Yes, sir.

Q. You followed the same wording they had?—A. Exactly. Here is the last one of this year, Secretary's report "from March 4, 1789."

Q. And that, too, begins in 1791, just as yours did?—A. Just exactly the same.

By the CHAIRMAN:

Q. This copy of the warrant, No. 919 of 1870, was intended to be a true copy of the original warrant 919, was it not?—A. Yes, sir.

Q. Now, as to the marginal notes. Are the figures which those notes are opposite scratched on the original and apparently altered, or not?—A. They look to me as if they had been altered; the entire amount scratched in some of them. There is a 2 here which has certainly been a 1, and the totals are scratched all the way through.

Q. The amounts that those marginal notes are opposite to, when you compare them with the original, are scratched certainly and apparently altered?—A. They look to me that way.

Q. You have put a cross opposite the amounts that were scratched and appeared to be altered, have you not?—A. Yes, sir; that is merely to call attention to them.

Q. You spoke of these marginal notes being put there by instructions from the chairman; has the chairman at any time since you have been engaged with this committee told you to make a statement or to make a figure and report it to the committee that did not appear from the reports of the department?—A. Of course not.

Mr. INGALLS. Nobody supposed that.

Q. (By the CHAIRMAN.) What has been your general instruction on this committee as to reports and statements that you should make generally?—A. Always to take the figures as I found them, and to take reports as I found them, and compare them; to stick to facts.

By Mr. BECK:

Q. You said just now, in answer to the chairman, that the figures in this original warrant, 919 of 1870, were scratched and appeared to have been altered?—A. Yes, sir.

Q. Did the chairman at any time say more to you than to make a note of these facts as you believed them, and put them in red ink, so that they would appear to be your comments?—A. That was all he said; just to call attention to them.

Q. And you have noted them down?—A. I said that I was ordered to do it because I considered it all right that I should do it.

Q. You had yourself stated that you found these erasures and apparent alterations, and he simply said to you then, "note that down in red ink, so as to be distinct," and you have put down what you yourself believed to be true, and so told him?—A. Yes, sir; they appear to be scratched. I do not want to be misunderstood in saying I was ordered to do it. I meant that I was ordered to put that marginal note there, and I put it there the way I was ordered, so as to call attention.

By Mr. INGALLS:

Q. In language furnished by the chairman?—A. Yes, sir.

By Mr. BECK:

Q. So as not to confuse the copy?—A. Yes, sir. By looking in this way you see exactly what figures were scratched.

Q. You, yourself, first told the chairman that these figures were scratched and apparently altered?—A. Yes, sir; I showed them to him on the books, too.

Q. Then he desired the note to be written down to indicate that fact?—A. Yes, sir.

Q. And it is so done?—A. Yes, sir.

Q. For no other purpose?—A. No other purpose.

By the CHAIRMAN:

Q. In making the different statements which you have prepared; including the one that Senator Ingalls called your attention to, as to the receipts of the government, have you, in any instance, substituted a figure or a statement that the official reports or statements furnished by the department will not bear out?—A. I never did anything but put down the actual statements.

Q. Have you ever used any figures of your own except in additions?—A. Never.

Q. I understand you now to state distinctly to the committee that you have in no instance since you have been connected with this committee, in any statement you have prepared, used any figures that were not taken from the official reports or statements of the department to this committee?—A. You mean the actual figures in these tables? No, sir; I have never used anything else.

Q. Of course, there are additions you have made yourself, and compilations in a different form; but were all the figures that you have used in your different statements taken from official reports, either in print or in writing?—A. I have never used anything but the figures in the official reports; never used a figure of my own. Your instructions to me were to take the figures as I found them, and I never had any instructions at all to use any other figures but those I found in the official reports.

By Mr. INGALLS:

Q. But all the figures you have selected have been under the direction of the chairman.—A. How do you mean "selected"? The form of making out a report—for instance, the form of that report is merely to show as an experiment the difference between making up the public debt from Receipts and Expenditures, and from Issues and Redemptions, and the result shows exactly the figures in the Finance Report of 1876.

Q. Your tables do not show everything that has appeared in the books of the Secretary of the Treasury and of the Register from the foundation of the government? You have made certain selections—certain compilations.—A. I took the net ordinary receipts, the total receipts for loans and Treasury notes, and the net ordinary expenditures and the net ordinary expenditures on account of loans, and the figures are precisely the same, only I have taken certain periods and added them together.

Q. Under the direction of the chairman?—A. To carry out his views, to see how it would result; but I used none but the official figures. I did not say I selected any figures. I took all the figures. I do not take certain portions of the account and reject others. I took the total figures. I added to a certain period, and then I added from the beginning to the next period.

Q. You have made a compilation from the Finance Report of 1877?—A. Yes, sir.

Q. Your compilation does not comprise every table there is in that book?—A. I say, "Statement taken from Secretary's statements in Finance Reports and to committee."

Q. Your statement taken from the Finance Report of 1877 does not include all the statements there are in that book?—A. No, sir.

Q. What I am calling your attention to, is to ascertain whether in selecting from the finance and other reports of different years, you have acted under the direction of the chairman of the committee?—A. I made up the statements to conform to his views, but not to pick things out. It is the entire statement; it is not picking out portions; it is the entire statement, as you will find by adding those together.

Q. It does not appear in your statement as it does in the statement of the Register of the Treasury. It appears in different shape, does it not?—A. It is only a different shape, but it is the same matter.

Q. It appears in different shape, does it not? Your table does not appear in the same shape as it appears in the report of the Register of the Treasury?—A. No, sir; not in the same shape, but it contains the same matter.

Q. Compiled in a different way, grouped, compiled, made up differently?—A. Mr. Senator, if you take here the gross receipts down to 1832, and add them together, if you understand the nature of these columns, you will see that my statement is just those three columns added together [indicating].

Q. Now, come right back to my question. I asked you whether or not in submitting the compilations of figures that you have made from

the different reports of the Treasury, you have acted under the directions of the chairman of this committee?—A. To use nothing but the official figures, yes, sir; but to compile them in a certain way.

Q. Different from what they appear in the books?—A. The aggregates are the same.

Q. Nobody doubts that; but I ask you if they do not appear in your tables in a different way from what they appear on the books of the Treasury?—A. They do appear in a different way, but the result is the same, as this in the Finance Report of 1876 proves.

Q. Did you see a special dispatch in the New York Tribune yesterday or the day before, purporting to emanate from Washington, declaring that Senator Davis, of West Virginia, had discovered from testimony taken before this committee that bonds of the United States could be issued by one person?—A. Yes, sir; I saw that statement.

Q. Do you know how that was communicated to the New York Tribune?—A. I have not the least idea.

Q. Have you ever seen any reporter on the subject?—A. I am not acquainted with any reporter. I do not know a single reporter personally.

Q. You understood that the directions of the committee were that nothing occurring before it should be communicated?—A. The copy of the testimony was put in here and I locked it up in my desk and I did not let anybody see that copy until I saw the chairman the day after that thing appeared and got his permission to let Mr. Fletcher and Captain Bayley read their testimony.

Q. You understood that the order of the committee was that nothing should be communicated to anybody?—A. It has been faithfully kept here.

By the CHAIRMAN:

Q. Have you had instructions from time to time to be careful and let no one except Treasury officials see the testimony as taken by this committee?—A. I have always kept it under lock and key.

Q. Have you had that instruction?—A. Yes, sir; positive instructions to let nobody see it except those who were giving their testimony, and to confine them to their own testimony.

Q. Do you know whether or not the chairman of this committee has made repeated efforts to know how information got to the Tribune as to the testimony taken by this committee?—A. I have known you to go down to the Register and try to trace it through the department here.

Q. Do you know whether or not it has been stated in the department that the information was gotten out through some one in the department?—A. I had some hearsay evidence last summer on that point, but I do not want to criminate anybody.

Q. As to Table No. 3 C, "prepared by Senate Committee on Treasury Accounts," the same table about which Mr. Ingalls has asked you some questions, when you made that table it was taken from between certain dates and made by adding up the total amounts as taken from the Finance Reports?—A. Yes, sir; and you will find those totals agree with the totals in the last report of the Secretary of the Treasury.

Q. Take the public debt, treated by Receipts and Expenditures instead of Issues and Redemptions, how much difference does there appear to be by that statement?—A. \$116,000,000, in round numbers.

Q. Does that agree in amount with the statement made and found in the Finance Report of 1871, made up by Mr. Bayley, who gave testimony

here?—A. No, sir; it agrees with the Finance Report of 1876, page 18, because there were some other things brought in in the mean time.

Q. How much difference was there?—A. \$250.

Q. Then the statement you have been questioned about by Senator Ingalls, and the one produced here by Mr. Bayley, the Treasury clerk, agree within \$250?—A. Exactly. They are precisely the same when divided into periods.

Q. They would have agreed but that he stopped in 1871, and you went further?—A. I went to 1879, and in the mean time there has been an expenditure where there has been no corresponding receipt. If you state the public debt by Receipts and Expenditures, every expenditure where there has been no receipt will make a corresponding discrepancy in this way of stating the public debt.

By Mr. DAWES:

Q. And that is the explanation of this whole trouble?—A. Yes, sir.

By the CHAIRMAN:

Q. Then I understand that in making up the debt by Receipts and Expenditures instead of the way it was formerly made up, by Issues and Redemptions, there is a difference of \$116,000,000.—A. Yes, sir.

Q. And that is principally from the fact that bonds were issued for which no amounts went into the Treasury, and when they were redeemed money went out of the Treasury for them.—A. Yes, sir. There is another thing. If a loan is sold at a discount the difference between the receipts from that loan and the par value will make exactly a corresponding discrepancy in this way of stating the public debt.

The tables produced by Mr. Woodville were offered in evidence and received, and are as follows:

## No. 7—C.

[Prepared by Senate Committee on Treasury Accounts.]

*Exhibit of differences between Finance Reports of 1869 and 1871 in the Register's tabulated statements of RECEIPTS for the fiscal years 1860 to 1870, inclusive.*

Year.	Where differences occur.	Tabulated state- ment Finance Report, 1869, page 318.	Tabulated state- ment Finance Report, 1871, page 363.	Finance Report, 1871, as com- pared with Finance Report, 1869.		Year.
				Increase.	Decrease.	
1861	Miscellaneous.....	\$1,023,515 31	\$1,023,515 21	.....	\$0 10	1861
	Loans and Treasury notes.....	41,895,340 64	41,895,340 74	.....	.....	
1862	Miscellaneous.....	931,787 64	904,011 50	.....	27,776 13	1862
	Loans and Treasury notes.....	529,662,460 50	529,760,860 50	68,400 00	.....	
1863	Internal Revenue.....	37,640,787 85	.....	.....	.....	
	Miscellaneous.....	4,344,139 82	3,735,704 37	.....	37,640,787 85	
	Loans and Treasury notes.....	776,662,361 57	814,925,494 96	88,243,133 39	908,345 45	1863
1864	Miscellaneous.....	51,505,502 26	49,621,064 98	.....	1,884,417 28	1864
	Loans and Treasury notes.....	1,121,131,842 98	1,130,709,452 85	9,577,609 87	.....	
1865	Miscellaneous.....	37,125,002 89	36,503,183 73	.....	10,621,819 16	1865
	Loans and Treasury notes.....	1,472,224,740 85	1,482,840,404 90	10,615,724 05	.....	
1866	Miscellaneous.....	67,119,369 91	128,733,397 76	61,614,027 85	.....	1866
	Loans and Treasury notes.....	712,651,553 05	651,065,430 91	.....	61,786,122 14	
	Totals.....	4,854,108,405 37	4,861,718,032 41	120,118,895 26	.....	
			4,854,108,405 37	112,569,268 22	.....	
	Increase in Finance Report, 1871, over Finance Report, 1869.....		7,549,627 04	7,549,627 04	.....	
				7,733,810 45	.....	
				184,189 41	.....	
				7,549,627 04	.....	

NOTE.—No differences occur after 1866.

## No. 8—C.

[Prepared by Senate Committee on Treasury Accounts.]

*Exhibits of differences between Finance Reports of 1863 and 1871 in the Register's tabulated statements of EXPENDITURES for the fiscal years 1860 to 1870, inclusive.*

Year.	Where differences occur.	Tabulated statement Finance Report, 1869, page 320.	Tabulated statement Finance Report, 1871, page 366.	Finance Report, 1871, as compared with Finance Report, 1869.		Year.
				Increase.	Decrease.	
1860	Miscellaneous .....	\$20,708,183 43	\$20,708,233 43	\$50 00		1860
1861	Miscellaneous .....	16,028,374 79	16,028,334 79		\$50 00	1861
1862	Civil list .....	5,939,009 20	5,888,615 07		52,394 22	
	Foreign intercourse .....	1,339,710 35	1,339,228 66		483 69	
	Navy Department .....	42,674,590 60	42,640,353 09		34,237 50	
	War Department .....	304,393,407 36	309,173,582 29		5,194,245 07	
	Pensions .....	879,583 23	852,170 47		27,412 76	
	Indians .....	2,223,402 27	2,827,948 37	104,546 10		
	Miscellaneous .....	14,129,771 52	14,160,020 86	30,249 34		
	Public debt, principal and interest .....	109,287,246 54	109,287,481 27	234 73		1862
1863	Civil list .....	6,350,618 78	6,294,405 97		56,212 81	
	Foreign intercourse .....	1,231,413 06	1,241,925 03	9,511 97		
	Navy Department .....	63,211,105 27	63,261,235 31	50,130 04		
	War Department .....	599,298,600 83	603,314,411 82	4,015,810 99		
	Pensions .....	8,140,194 44	1,078,513 36		2,061,681 08	
	Indians .....	1,076,206 35	3,152,032 70	2,075,706 35		
	Miscellaneous .....	15,671,890 24	15,692,451 37		9,438 87	
	Public debt, principal and interest .....	208,816,481 68	205,811,835 60		5,145 89	1863
1864	Civil list .....	8,059,177 23	7,999,683 50		59,493 73	
	Foreign intercourse .....	1,290,691 92	1,290,893 68		50,798 26	
	Navy Department .....	85,733,292 77	85,704,988 74		28,309 03	
	War Department .....	690,731,842 97	690,391,048 66		400,794 31	
	Pensions .....	4,979,633 17	4,965,478 90		5,840 73	
	Indians .....	2,538,297 80	2,638,975 87		91,678 17	
	Miscellaneous .....	18,155,730 31	18,323,639 71		176,909 40	
	Public debt, principal and interest .....	483,882,535 72	484,257,435 72		374,900 00	1864
1865	Civil list .....	10,833,944 87	10,884,904 17		249,340 70	
	Foreign intercourse .....	1,290,818 09	1,251,120 10		9,697 98	
	Navy Department .....	122,567,776 12	122,617,434 07		49,657 95	





## No. 9—C.

[Prepared by the Senate Committee on Treasury Accounts.]

*Treasurer's and Secretary's statements of purchases of bonds for sinking and special funds to June 30, 1870.*

## TREASURER.

FINANCE REPORT 1870, p. 193.—The Treasurer says: "There were held on the 30th June, 1870, by the Treasurer, as custodian of the special fund and the sinking fund, coupon and registered bonds purchased for those funds amounting to \$123,429,100.

*Treasurer's "statement of five-twenty bonds purchased for special and sinking funds from May 11, 1869, to July 1, 1870." (Finance Report 1870, p. 194.)*

Loan.	Coupon.	Registered.	Total.
5-20s of 1862 .....	\$478, 700	\$14, 659, 600	\$15, 138, 300
5-20s of March, 1864 .....		752, 400	752, 400
5-20s of June, 1864 .....	11, 561, 350	5, 203, 750	16, 765, 100
5-20s of 1865 .....	5, 257, 000	5, 618, 600	10, 875, 600
Consols of 1865 .....	38, 818, 650	9, 292, 700	48, 111, 350
Consols of 1867 .....	22, 258, 200	6, 769, 150	29, 027, 350
Consols of 1868 .....	2, 314, 000	445, 000	2, 759, 000
Total .....	80, 687, 900	42, 741, 200	123, 429, 100

## SECRETARY.

FINANCE REPORT 1870, p. xlv.—Note to detailed statement of the public debt. The Secretary says: "The bonds which have been purchased for the sinking and special funds, amounting to \$121,429,100, were treated as outstanding on the first of July last (1870). Since that date, the act of July 14, 1870, directed their cancellation and destruction, and they have therefore been deducted from the amount outstanding in this statement.

*Secretary's monthly debt statement, July 1, 1870. Bonds purchased by Treasury.*

Loan.	Total.
5-20s of 1862 .....	\$15, 063, 700
5-20s of March, 1864 .....	752, 400
5-20s of June, 1864 .....	16, 488, 150
5-20s of 1865 .....	9, 713, 450
Consols of 1865 .....	47, 740, 750
Consols of 1867 .....	28, 926, 650
Consols of 1868 .....	2, 744, 000
Total .....	121, 429, 100

## SECRETARY AND REGISTER.

*Statements furnished the committee.*

Sinking and special funds, June 30, 1870 ..... \$117, 740, 000  
This amount was deducted from public debt of 1870.

[Prepared by Senate Committee on Treasury Accounts.]

*Exhibit showing the EXPENDITURES OF THE DEPARTMENT OF STATE, from statements of finance reports of the Register of the Treasury and from statement furnished the committee by the Secretary of State, for the fiscal years 1860 to 1877, inclusive.*

Year.	Statements from finance reports of the Register of the Treasury.	Statement furnished the committee by the Secretary of State.	Statements of the Register of Treasury, as compared with statement of the Secretary of State.		Year.
			Increase.	Decrease.	
1860	\$1, 146, 143 79	\$1, 146, 143 79			1860
1861	1, 147, 786 91	1, 147, 686 91	\$100 00		1861
1862	1, 339, 226 66	1, 339, 226 66			1862
1863	1, 241, 325 03	1, 241, 325 03			1863
1864	1, 239, 893 66	1, 248, 993 66		\$9, 100 00	1864
1865	1, 251, 120 10	1, 253, 770 10		2, 650 00	1865
1866	1, 315, 749 04	1, 337, 099 04		21, 350 00	1866
1867	1, 793, 307 98	1, 798, 307 98		5, 000 00	1867
1868	1, 442, 632 00	1, 442, 632 00			1868
1869	8, 291, 171 05	8, 291, 171 05			1869
1870	1, 491, 214 53	1, 491, 214 53			1870
1871	1, 590, 046 01	1, 604, 605 91		14, 559 90	1871
1872	1, 838, 388 45	1, 838, 388 45			1872
1873	1, 571, 685 53	1, 571, 685 53			1873
1874	17, 022, 570 23	17, 023, 103 66		533 43	1874
1875	3, 195, 237 23	3, 194, 818 48	418 75		1875
1876	8, 051, 539 76	7, 849, 589 29	201, 950 47		1876
1877	3, 904, 224 72	4, 026, 729 40		122, 504 68	1877
Total	58, 873, 262 68	58, 846, 491 47	202, 469 22	175, 698 01	
	58, 846, 491 47		175, 698 01		
Difference	26, 771 21		26, 771 21		
Difference, or increase, in statements of Register of the Treasury, as compared with statement of Secretary of State			26, 771 21		

NOTE.—In the statements furnished the committee by the Treasury Department the expenditures of the Department of State are included in miscellaneous.

## No. 11 C.

[Prepared by Senate Committee on Treasury Accounts.]

*Exhibit showing the EXPENDITURES OF THE WAR DEPARTMENT, from statements furnished the committee by the Secretary of the Treasury and the Secretary of War for the fiscal years 1860 to 1877, inclusive.*

Year.	Statement furnished the committee by the Secretary of the Treasury.	Statement furnished the committee by the Secretary of War.	Statement of the Secretary of the Treasury, as compared with statement of the Secretary of War.		Year.
			Increase.	Decrease.	
1860	\$16,409,767 10	\$16,410,178 68		\$411 58	1860
1861	22,981,150 44	23,565,091 25		583,940 81	1861
1862	394,368,407 36	396,507,202 29		2,138,794 93	1862
1863	599,298,609 83	630,602,892 49		31,304,291 66	1863
1864	690,791,842 97	745,262,475 70		54,470,632 73	1864
1865	1,031,323,360 79	1,008,838,362 45	\$22,484,998 34		1865
1866	284,449,701 82	227,924,557 68	56,525,144 14		1866
1867	95,224,415 63	95,287,288 93		62,873 30	1867
1868	123,246,648 62	123,244,820 97	1,827 65		1868
1869	78,501,990 61	78,501,990 61			1869
1870	57,655,675 40	57,942,194 11		286,518 71	1870
1871	35,799,991 82	36,266,706 22		466,714 40	1871
1872	35,372,157 20	35,377,609 15		5,451 95	1872
1873	46,323,138 31	46,325,308 21		2,169 90	1873
1874	42,313,927 22	41,521,618 45	792,308 77		1874
1875	41,120,645 98	41,323,475 28		202,829 30	1875
1876	38,070,888 64	38,567,785 58		496,896 94	1876
1877	37,082,735 90	36,585,498 29	497,237 61		1877
Total	3,670,335,046 64	3,680,055,056 34	80,301,516 51	90,021,526 21	
		3,670,335,046 64		80,301,516 51	
Difference		9,720,009 70		9,720,009 70	
Difference, or decrease, in statement of Secretary of the Treasury, as compared with statement of Secretary of War				9,720,009 70	

[Prepared by Senate Committee on Treasury Accounts.]

*Exhibit showing the EXPENDITURES OF THE NAVY DEPARTMENT, from statements furnished the committee by the Secretary of the Treasury and Secretary of the Navy, and from official statement to the Senate from the Treasury, for the fiscal years 1860 to 1876 inclusive.*

Year.	Statement furnished committee by the Secretary of the Treasury.	Statement furnished the committee by the Secretary of the Navy.	Statement of the Secretary of the Treasury, as compared with statement of the Secretary of the Navy.		Official statement to the Senate from Treasury November 12, 1877.	Year.
			Increase.	Decrease.		
1860.....	\$11,314,964 96	\$11,318,495 74	\$196,469 22	.....	\$11,318,495 74	1860
1861.....	12,420,887 89	12,387,156 52	33,731 37	.....	12,387,156 52	1861
1862.....	42,648,277 09	42,640,353 09	27,924 00	.....	42,640,353 09	1862
1863.....	63,221,963 64	63,261,235 31	.....	\$39,271 67	63,261,235 31	1863
1864.....	85,725,994 67	85,704,963 74	21,030 93	.....	85,704,963 74	1864
1865.....	122,612,945 29	122,617,434 07	.....	4,488 78	122,617,434 07	1865
1866.....	43,284,118 52	43,285,662 00	38,456 52	.....	43,285,662 00	1866
1867.....	31,074,011 04	31,074,965 90	.....	40,954 86	31,074,965 90	1867
1868.....	26,275,502 72	26,270,426 39	.....	494,923 67	26,270,426 39	1868
1869.....	20,000,757 97	19,862,613 29	138,144 68	.....	19,862,613 29	1869
1870.....	21,730,229 87	21,789,229 87	.....	.....	22,206,591 64	1870
1871.....	19,431,027 21	19,433,027 21	.....	2,000 60	19,867,529 36	1871
1872.....	21,719,809 99	*21,381,198 96	.....	131,388 97	21,720,924 53	1872
1873.....	23,526,256 79	*23,526,256 79	.....	.....	23,730,815 89	1873
1874.....	30,932,587 42	*30,932,587 42	.....	.....	30,859,347 46	1874
1875.....	21,497,626 27	*21,497,626 27	.....	.....	21,400,055 43	1875
1876.....	18,963,309 82	*18,963,309 82	.....	.....	18,919,970 69	1876
Total .....	615,680,271 16	615,937,542 39	455,756 72	713,027 95	617,137,271 05	
		615,680,271 16		455,756 72	615,680,271 16	
Difference .....		257,271 23		257,271 23	1,456,999 89	
Difference, or decrease, in statement of Secretary of the Treasury, as compared with statement of Secretary of the Navy .....				257,271 23		

\*These amounts were taken by the Senate committee from the books of the Navy Department.

THE TREASURY DEPARTMENT.

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No. 13 C.

[Prepared by Senate Committee on Treasury Accounts.]

*Exhibit showing the expenditures for PENSIONS, from statements furnished the committee by the Secretary of the Treasury and the Secretary of the Interior, and from official statement to the Senate from the Treasury, for the fiscal years 1860 to 1876, inclusive.*

Year.	Statement furnished committee by the Secretary of the Treasury.	Statement furnished committee by the Secretary of the Interior.	Statement of the Secretary of the Treasury as compared with statement of the Secretary of the Interior.		Official statement to the Senate from Treasury November 12, 1877.	Year.
			Increase.	Decrease.		
1860.....	\$1,102,926 15	\$1,103,562 03	.....	\$635 88	\$1,100,802 32	1860
1861.....	1,036,064 06	1,071,461 55	.....	35,397 49	1,032,768 22	1861
1862.....	853,095 40	790,384 76	\$62,710 64	.....	852,170 47	1862
1863.....	1,078,991 59	1,029,143 08	49,848 51	.....	1,078,513 36	1863
1864.....	4,983,924 41	4,506,903 81	477,020 60	.....	4,985,273 89	1864
1865.....	16,338,811 13	8,525,153 11	7,813,658 02	.....	16,338,155 15	1865
1866.....	15,605,352 35	13,459,996 43	2,145,355 92	.....	15,605,549 88	1866
1867.....	20,936,351 71	18,477,512 08	2,459,039 63	.....	20,939,789 69	1867
1868.....	23,782,886 78	24,010,981 99	.....	228,595 21	23,256,509 36	1868
1869.....	28,476,621 78	28,422,884 08	53,737 70	.....	28,608,247 27	1869
1870.....	28,340,202 17	27,780,811 81	559,390 36	.....	27,923,512 11	1870
1871.....	34,443,894 88	33,077,383 63	1,366,511 25	.....	34,024,990 91	1871
1872.....	28,533,402 76	30,169,341 00	.....	1,635,938 24	28,042,509 16	1872
1873.....	29,359,226 86	29,185,289 62	174,137 24	.....	29,165,170 69	1873
1874.....	29,038,114 66	30,593,749 56	.....	1,555,334 90	29,112,184 12	1874
1875.....	29,456,216 22	29,683,116 63	.....	226,900 41	29,552,136 12	1875
1876.....	28,257,995 69	28,351,569 69	.....	94,204 00	28,302,368 91	1876
Total.....	321,623,678 60 310,239,274 86	310,239,274 86	15,161,409 87 3,777,006 13	3,777,006 13	319,980,651 63 321,623,678 60	
Difference	11,384,403 74	.....	11,384,403 74	.....	1,648,020 97	
Difference, or increase, in statement of Secretary of the Treasury, as compared with statement of Secretary of the Interior.....			11,384,403 74			

No. 14 C.

[Prepared by Senate Committee on Treasury Accounts.]

*Exhibit showing the expenditures for INDIANS, from statements furnished the committee by the Secretary of the Treasury and the Secretary of the Interior, for the fiscal years 1870 to 1877, inclusive.*

Year.	Statement furnished committee by the Secretary of the Treasury.	Statement furnished committee by the Secretary of the Interior.	Statement of the Secretary of the Treasury as compared with statement of the Secretary of the Interior.		Year.
			Increase.	Decrease.	
1870.....	\$3,407,938 15	\$3,741,250 50	.....	\$333,312 35	1870
1871.....	7,426,997 44	7,891,193 64	.....	464,196 20	1871
1872.....	7,061,728 82	7,273,804 89	.....	212,076 07	1872
1873.....	7,951,704 88	8,227,412 51	.....	275,707 63	1873
1874.....	6,692,462 09	6,812,449 93	.....	119,987 84	1874
1875.....	8,384,856 82	8,624,881 19	.....	240,224 37	1875
1876.....	5,966,558 17	6,163,592 67	.....	197,034 50	1876
1877.....	5,277,077 22	5,490,603 14	.....	213,595 92	1877
Total.....	52,169,053 59	54,225,188 47 52,169,053 59	.....	2,056,134 88	
Difference	.....	2,056,134 88	.....	.....	
Difference, or decrease, in statement of Secretary of the Treasury, as compared with statement of Secretary of the Interior.....			.....	2,056,134 88	

The copy of "Treasury indefinite appropriation warrant No. 919," of date June 30, 1870, made by Mr. Woodville, was ordered to be appended to his testimony, and is as follows:

[Treasury Indefinite Appropriation Warrant No. 919.]

*To the Comptroller and Register of the Treasury:*

You are hereby directed to cause the following entries to be made in the books of the Treasury which relate to the appropriation accounts for the fiscal year ending 30th June, 1869, viz:

For this sum paid on account of uniforms for Capitol police on part of the Senate, per 1st section, act of 30th March, 1867, and 20th July, 1868.....	\$450 00
For this sum paid on account of twenty per cent. additional compensation to reporters of the Senate, per 18th section, act of 23th July, 1866 .....	6, 812 86
For this sum paid on account of twenty per cent. additional compensation to the Globe and official reporters of the House of Representatives, per 18th section, act of 28th July, 1866 .....	6, 122 69
For this sum paid on account of twenty per cent. additional compensation to the officers, clerks, and other employés of the House of Representatives, per 18th section, act of 28th July, 1866 .....	14 02
For this sum paid on account of expenses incident to an act to carry into effect a treaty between the United States and Her Britannic Majesty for the final settlement of claims of the Hudson Bay and Puget Sound Agricultural Companies, per 2d section, act of 27th June, 1864, after deducting \$371.28 repaid .....	9, 452 79
For this sum paid on account of refunding principal and interest of purchase money for lands redeemed, per 7th section, act of 3d March, 1865 .....	4, 570 65
For this sum paid on account of expenses incident to carrying into effect the convention with the Republic of Venezuela for adjustment of claims of citizens of the United States against that republic, per 4th section, act of 20th July, 1867 .....	4, 193 42
For this sum paid on account of an act to provide for certain claims against the Department of Agriculture, approved 13th July, 1868 ..	37, 604 70
For this sum paid on account of consular receipts, per act of 14th April, 1792.....	11, 331 25
For this sum paid on account of Bureau of Statistics for clerical service, publication of reports, stationery, books, statistical periodicals and papers, per 13th section, act of 28th July, 1866 .....	74, 200 00
For this sum paid on account of contingent expenses of southeast executive building, for watchmen and laborers, per 5th section, act 20th July, 1868 .....	2, 160 00
For this sum paid on account of contingent expenses of southeast executive building—for fuel, lights, labor, repairs and miscellaneous items, per act of April 10th, 1869, per section 6 .....	7, 380 00
For this sum paid on account of additional compensation to certain employés in the civil service at Washington, per joint resolution of February 28, 1867, in addition to \$954.18 repaid .....	491 79
For this sum paid on account of compensation of such mail services as may be performed for the several departments of the government, per 12th section, act of 3d March, 1847 .....	500, 000 00
For this sum paid on account of further payment and compensation of mail service performed for the two Houses of Congress, and the other departments and officers of the government, in the transportation of free matter by the Post-Office Department, per 8th section, act of 3d March, 1851 .....	1, 100, 000 00
For this sum paid on account of refunding money erroneously received and covered into the Treasury, per 12th section, act of 23d July, 1866 .....	5, 264 62
For this sum paid on account of outstanding liabilities, per act of 2d May, 1866 .....	7, 581 85
For this sum paid on account of erection of suitable buildings, and for the expenses of the Smithsonian Institution, per 2d and 19th sections, act of 10th August, 1846 .....	39, 000 00

For this sum paid on account of the post-office and sub-treasury of the city of Boston, per joint resolution of March 12, 1868.....	\$2,396 20
For this sum paid on account of return of proceeds of captured and abandoned property, per 3d section, act of 12th March, 1863.....	21,366 57
For this sum paid on account of National Banking Association, per resolution of March 2, 1867.....	838 71
For this sum paid on account of payment of taxes on salaries and compensation, per 13th section, internal revenue act of March 2, 1867.....	501 53
For this sum paid on account of refunding taxes under direct tax laws, per 4th section of joint resolution of 25th February, 1867.....	22 05
For this sum paid on account of resolution manifesting the sense of Congress towards officers and seamen of vessels engaged in the rescue of persons from perishing with the wreck of the steamship San Francisco, per act of July 26, 1866.....	7,700 00
For this sum paid on account of relief extended for damages sustained for seizure of vessel and cargo in collection district of San Francisco, California, per 4th section, act of 28th September, 1850.....	14,607 48
For this sum paid on account of expenses incident to the collection of the direct tax in the State of Delaware, per 4th section, act of 21st February, 1863.....	337 84
For this sum paid on account of an act for the relief of Albert Grant, approved 3d July, 1868.....	30,000 00
For this sum paid on account of an act for the relief of certain government contractors, approved July 13, 1868.....	225,988 56
For this sum paid on account of an act for the relief of James Hooper, approved July 13, 1868.....	16,000 00
For this sum paid on account of a resolution presenting the thanks of Congress to Cyrus W. Field, approved March 2, 1867.....	735 90
For this sum paid on account of an act for the relief of Benjamin B. French, approved July 13, 1868.....	85 00
For this sum paid on account of an act for the relief of L. Merchant & Co., and Peter Rosecrantz, approved July 22, 1868.....	148,665 91
For this sum paid on account of an act for the relief of Captain Thomas W. Miller, approved July 27, 1868.....	529 88
For this sum paid on account of an act for the relief of William B. Todd, approved July 7, 1868.....	319 00
For this sum paid on account of an act for the relief of George W. Bridges, approved July 27, 1868.....	1,685 10
For this sum paid on account of an act for the relief of Captain A. G. Oliver, approved July 27, 1868.....	2,010 00
For this sum paid on account of an act to authorize the sale of twenty acres of land in the military reservation of Fort Leavenworth, Kansas, per 1st section, act of July 20, 1868.....	352 00
For this sum paid on account of an act for the relief of Samuel Tibbets, approved July 27, 1868.....	200 00
For this sum paid on account of an act for the relief of Timothy Lyden, of Parkersburg, West Virginia, approved July 13, 1868.....	302 00
For this sum paid on account of a resolution presenting the thanks of Congress to Cyrus W. Field, approved March 2, 1867.....	653 50
For this sum paid on account of an act to provide for the removal of the remains of Hon. W. T. Coggeshall, late minister United States at Ecuador, to the United States, approved January 18, 1869.....	1,000 00
For this sum paid on account of an act for the relief of Walter D. Plowden, approved March 1, 1869.....	1,000 00
For this sum paid on account of an act for the relief of Celestin P. Hartt, approved March 3, 1869.....	3,000 00
For this sum paid on account of an act for the relief of the president and directors of the Panama Railroad Company, approved July 2, 1862.....	7,475 00
For this sum paid on account of an act for the relief of Lieut. Col. John W. Davidson, United States Army, approved March 3, 1869.....	218 25
For this sum paid on account of an act for the relief of N. A. Shutterworth, of Harrison County, West Virginia, approved March 1, 1869.....	550 65
For this sum paid on account of an act for the relief of George Kaiser, approved March 1, 1869.....	181 50
For this sum paid on account of an act for the relief of Capt. Charles Hunter, United States Navy, approved March 3, 1869.....	5,072 22



## WAR CIVIL LEDGER.

For this sum paid on account of 20 per cent. additional compensation to employes under the Commissioner of Public Buildings, per 3d section, act of July 23, 1866; 18th section, act of July 28, 1866; and 5th section, same act .....	\$989 60
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## STOCK LEDGER.

For this sum paid on account of reimbursement of Treasury notes issued under acts of Congress prior to the act of July 22, 1846. ....	150 00
For this sum paid on account of redemption of Treasury notes issued under acts of July 17, 1861, and August 5, 1861. ....	20,472 75
For this sum paid on account of redemption of United States Treasury notes issued under act of February 25, 1862. ....	* 57,945,850 00
For this sum paid on account of redemption of certificates of indebtedness, per acts of March 1 and March 17, 1862. ....	124,000 00
For this sum paid on account of postage and other stamps, per act of July 17, 1862, &c. ....	203,019 77
For this sum paid on account of payment of Treasury notes, per 9th section, act of December 23, 1857. ....	100 00
For this sum paid on account of redemption of gold certificates, per 5th section, act of March 3, 1863. ....	* 65,255,620 00
For this sum paid on account of redemption of 3-year 7.3 coupon Treasury notes, per act of June 30, 1864, and March 3, 1865. ....	* 36,391,300 00
For this sum paid on account of redemption of 2-year 5 per cent. Treasury notes, per act of March 3, 1863. ....	215,600 00
For this sum paid on account of premium on purchase of 7.3 Treasury notes issued under acts of June 30, 1864, and March 3, 1865, per 1st section, act of July 1, 1862. ....	300 000 00
For this sum paid on account of expenses incident to a national loan, per 1st section, act of March 3, 1864, <i>et seq.</i> , in addition to \$119,176.64 repaid. ....	201,314 11
For this sum paid on account of redemption of 3-year 6 per cent. compound interest notes, per act of March 3, 1863, &c. ....	* 25,361,480 00
For this sum paid on account of redemption of 3 per cent. certificates of deposit, per act of March 2, 1867. ....	* 32,480,000 00
For this sum paid on account of redemption of United States Texan indemnity stock, as authorized by an act of September 9, 1850. ....	4,000 00
For this sum paid on account of redemption of 7.3 3-year coupon bonds issued under act of July 17, 1861. ....	11,500 00
For this sum paid on account of redemption of fractional currency, under act of March 3, 1863. ....	* 26,165,122 99
For this sum paid on account of payments of interest on the public debt, in addition to the sum of \$3,841,674.70 repaid. ....	130,694,242 80
For this sum paid on account of reimbursement of temporary loan, per act of February 25, 1862, &c. ....	604,171 00
For this sum paid on account of redemption of stock of loan of 1847. ....	764,750 00
For this sum paid on account of redemption of stock of loan of 1848. ....	7,666,891 80
For this sum paid on account of the 5th annual installment of the capitalization of the Scheldt dues, per act of March 2, 1865. ....	55,584 00
For this sum paid on account of redemption of 1-year 5 per cent. Treasury notes, per act of March 3, 1863. ....	9,290 00

## INTERNAL-REVENUE LEDGER.

For this sum paid on account of expenses incident to the commission to examine and report on meters for distilled spirits, per joint resolution of February 3, 1868. ....	1,382 74
For this sum paid on account of allowance or drawback on articles on which internal duty or tax has been paid, per 116th section, act July 1, 1862, after deducting \$77.82 repaid. ....	725,126 01
For this amount paid on account of refunding duties erroneously or illegally collected, per 44th section, act June 30, 1864, after deducting \$186.78 repaid. ....	364,176 53
For this amount paid on account of refunding money erroneously received and covered into the Treasury, per 12th section, act July 23, 1866. ....	2,271 13

\* This amount scratched and new figures apparently substituted.

For this sum paid on account the sinking fund, act February 25, 1862, principal.....	\$8,690,400 00
For this sum paid on account the sinking fund, act February 25, 1862, premium.....	1,374,680 05

## TREASURY LEDGER.

For this sum paid on account of the chargé d'affaires ad interim at Venezuela, per act of March 3, 1869 .....	2,980 19
	* 397,945,900 96

And for so doing this shall be your warrant.

Given under my hand and the seal of the Treasury Department this 30th day of June, in the year of our Lord 1869, and of the Independence the 93d.

GEO. S. BOUTWELL,  
*Secretary of the Treasury.*

AUGUST 7, 1869.

Countersigned.

R. W. TAYLER, *Comptroller.*  
JOHN ALLISON, *Register.*

JANUARY 31, 1880.

JAMES H. SAVILLE affirmed and examined.

The CHAIRMAN. Mr. Saville was summoned by the request of Mr. Boutwell, through Mr. Dawes. So I turn him over to that gentleman and his associate from Kansas.

By Mr. INGALLS:

Question. Mr. Saville, state your residence and occupation.—Answer. I am a resident of Washington, D. C., and I am a lawyer by profession.

Q. How long have you resided here?—A. I have resided in Washington since some time in 1861.

Q. State in what capacity you have been at any time occupied in the Treasury Department?—A. Some time in 1861 I came into the Treasury Department as an additional clerk in the Secretary's office, and was assigned to duty in the old war-warrant division, as it was called at that time, and during my period of service in the department I remained in that division until it was consolidated, under me as the chief, into the warrant division with duties covering all matters in relation to warrants and payments.

Q. When did that consolidation occur?—A. I am not very positive as to the exact date, but some time in 1869, I think. It was shortly after the commencement of the first administration of General Grant.

Q. And under whose administration as Secretary of the Treasury?—A. Under the administration of Secretary Boutwell.

Q. How long did you remain chief of the Warrant Division under the consolidation?—A. I remained chief of the Warrant Division until some time in 1870, I think, when I was appointed chief clerk of the department, and remained chief clerk until I was invited to resign by Mr. Bristow.

Q. As chief clerk of the department, what were your duties?—A. As chief clerk of the department, I was general executive officer of the entire department; I had special supervision of all the business of the Secretary's office and general supervision of the business of the entire department.

Q. Can you state more definitely the time when you resigned?—A. I think I left the department on the first day of July, 1874, or 1875, I am not positive which.

Q. At the request of Secretary Bristow?—A. At the request of Secretary Bristow, between whom and myself, I may say, the personal relations were not very pleasant and had not been for ten years previously.

Q. He had previously occupied some position under the Secretary of the Treasury?—A. No, sir; he had been Solicitor-General of the Department of Justice.

Q. Are you familiar with what is commonly known as the difference in the statement of the accounts of the Treasury Department that occurred in 1870?—A. I am.

Q. State who prepared the tables at the time when the difference that has been adverted to first appeared.—A. When I was appointed chief of the consolidated Warrant Division I instituted an examination of the accounts of the government with a view to a publication of a financial history of the government.

Q. At whose suggestion was that examination made?—A. It was made on my own motion, but after consultation with Secretary Boutwell.

Q. That examination was made for the purpose of preparing a statement of the financial history of the government from its foundation?—A. Yes, sir.

Q. State under that examination, upon consultation with the Secretary, what you did.—A. I, personally, and with the assistance of such competent clerks as I could find, began by an examination of the public-debt accounts.

Q. Upon what system or idea had the Public-Debt accounts up to that time been stated?—A. The Public-Debt accounts prior to this time had always been stated from the redemptions and issues of the debt, and I undertook to compare the Redemptions and Issues accounts with the accounts of moneys received into the Treasury from loans and Treasury notes, and moneys paid out of the Treasury on account of the redemptions of loans and Treasury notes.

Q. How long were you engaged in that examination?—A. I think about two years before I arrived at any conclusion sufficiently definite to justify me in making public any statement in the premises.

Q. When you had completed your examination what was done in connection with the accounts by way of public statement?—A. When I had completed the examination, the first result of it was the publication of a revised statement of the public debt, known as the new series, and I think beginning on the 1st of January, 1871. The first debt statement under the revised accounts was made on the 1st of January, 1871.

Q. What was disclosed by that statement in regard to any apparent discrepancy existing between that revised statement and the statement based on the issues and redemptions?—A. As to that there was no discrepancy in the public-debt statement, except to show that some of the items which had been carried in the debt statement under the head of "debt on which interest had ceased" were reduced in amount, and some were increased in amount, for the reason that in the Issues and Redemptions' account they had occasionally omitted or failed to charge up against an account some small certificates of stock that had been redeemed, and had charged up to some other class of stock a certificate that had not been redeemed; or, in other words, there had been clerical errors resulting in transposing accounts. Those were very few. As the final result of the examination, I prepared a table to accompany

the Finance Report of 1871, I think, in which I made a comparison of the accounts of Issues and Redemption and the accounts of Receipts and Expenditures. That disclosed a difference in the amount of the debt of something like \$116,000,000. It is a long time since I examined the table, and I would not like to state positively the amount without reference to that table, but it was something like \$116,000,000.

By the CHAIRMAN:

Q. Do you want the report of 1871?—A. Yes, sir.

(The Finance Report of 1871 was handed to the witness.)

By Mr. INGALLS:

Q. State to the committee what system you adopted in the report of 1871 in the tabulated exhibit of the public debt differing from that theretofore in use by the Secretary of the Treasury.—A. I stated the public debt in the Finance Report of 1871 from the Receipts and Expenditures account or from the cash account of the government. Prior to that time the public debt statement had always been based upon the Issues and Redemptions without regard to the Receipts and Expenditures on that account.

Q. This statement was prepared after full consultation with Secretary Boutwell?—A. The statement was prepared after full consultation with the Secretary, and after explaining to him in detail all the differences I had discovered and the reasons for them as far as my investigation at that time had progressed.

Q. Did you make subsequent investigation?—A. I continued the investigation as long as I remained in the department and in the country.

Q. Up to what period did your examination extend?—A. I believe I went to Europe in 1873, and up to that time I continued personally the investigations into the various items of debt.

Q. Did your subsequent inquiries disclose any different condition of account than that which was exhibited in the debt statement of 1871?—A. It did not disclose any differences; it simply disclosed the details more completely and minutely.

Q. Now, state the reasons that induced the changed statement of the Public Debt in 1871?—A. The primary reason was that we desired to be accurate. We wanted to be able to put before the world a statement that we could swear to, if necessary.

Q. In what particulars was the statement made previous to 1871 inaccurate?—A. The statements made previous to 1871 were based, as I have stated heretofore, upon the account of Issues and Redemptions of notes and bonds. In the course of the government transactions, I discovered that owing to the views of some of the officers as to what the law compelled them to do, they had never kept an account of discount and exchange, for instance; they never had kept an account on the debit or charge side of their ledgers showing an expenditure corresponding to the issues of certain loans, as, for example—I have forgotten now the exact date, but early in the history of the country—an act was passed by Congress providing for the funding of the Revolutionary debt, which was estimated to be about \$76,000,000, and bonds were issued to the amount of about \$76,000,000 on account of the Revolutionary debt.

Q. For which no money was ever received into the Treasury?—A. For which no money was ever received into the Treasury; that is to say, the bonds were issued directly to the people who were creditors of the government.

Q. And under the system adopted previously to the statement of

1871 that would appear as a portion of the public debt of the United States?—A. That would appear as a portion of the public debt of the United States, and very properly so, because it was a portion of the debt. But, on the other side, by and by when the government came to redeem that debt they paid money out of the general Treasury very properly to redeem the bonds, but in the amount of receipts no money was shown to have been received on account of that debt. It was precisely the same as a business man showing bills receivable for nothing, and by and by getting rich and paying off his bills receivable. When you come to compare his cash account with his other accounts, you would find that his bills receivable which he had redeemed and paid off were in excess of the cash he had received on account of bills receivable the full amounts of those bills receivable which he had not received cash for.

Q. Take the illustration to which you have called our attention and state under the new system of statement adopted in 1871 how that item of public debt would appear.—A. It would appear, as stated from the cash accounts of the government, which are the most important accounts for the presumption is that the government deals in cash wholly—it would appear that the cash was short the full amount of those loans; precisely that much, and the same would be true as to all discount suffered in the placing of a loan, because if the loan was redeemed at par when redeemed or at a premium (an account for which latter, however, was usually provided by the law authorizing the redemption), there would be cash paid out where none appeared to have been received. If the redemption occurred at a premium, it was provided for; but if the issue had been made at a discount on the face of the loan, as, for instance, say ninety per cent., where the loan was issued for \$10,000,000, the receipts into the Treasury on account of that loan would be \$9,000,000, and when you come to pay it off you would pay \$10,000,000; showing, on comparing the two sides of your cash account relating to loans, an apparent deficit of \$1,000,000.

Q. What was the apparent difference that was disclosed by the new statement made by you in 1871?—A. \$116,104,831.45.

Q. State to the committee, as nearly as you are able, of what items that apparent difference is made up?—A. I can only say of my own knowledge that the difference, as far as my investigation went and was published, and that I have a copy of it before me, was made up of—

Revolutionary debt.....	\$76,000,000 00
Mississippi purchase stock.....	4,282,151 12
Louisiana purchase stock.....	11,250,000 00
Washington and Georgetown debt to Holland.....	1,500,000 00
United States Bank subscription stock.....	7,000,000 00
Six per cent Navy stock.....	711,700 00
Texas purchase stock.....	5,000,000 00
Mexican indemnity, fourth and fifth installments, stock.....	303,573 92

and then an elastic item of \$10,057,406.41 which was the resulting error from comparison, concerning which, in a note printed in the Finance Report of 1871, I state "a further investigation of the details will enable a more accurate itemized statement to be made."

Q. In your judgment, what did that elastic item represent?—A. It probably represented discount suffered in the placing of loans, errors in calculation made by clerks in settling loans, and transpositions of figures and errors in copying, and a thousand and one little items which would work backwards and forwards in the accounts until finally the difference

would have been explained, if I had continued my examination, to a penny; that is to say, I should have explained in detail why the difference between the money received into the Treasury from loans and the money paid out of the Treasury on the redemption of loans, did not agree with the par of the outstanding debt by \$116,104,831.45 paid out on that account more than was received on the same account.

Q. Then I understand you to say that that apparent difference of \$116,000,000, in round numbers, resulted from the adoption of a different method of stating the condition of the public debt from the books of the Treasury Department?—A. That apparent difference of \$116,000,000 was simply the result of a comparison of two modes of stating the debt from two different sources, on two different plans.

Q. But both methods being derived from an actual inspection of the existing accounts of the Treasury Department without change in any particular?—A. Yes, sir; without the slightest change in any particular, for there was no authority of law to make any changes. Subsequently, I submitted to members of the House and Senate, and among them to Mr. Beck, who is on this committee, a form of act in which I suggested that Congress give authority to the Secretary of the Treasury to make such entries in detail upon his books as would enable the two accounts to be assimilated, or made exactly alike; and, if Mr. Beck will recall, I had his hearty co-operation and approval in that and several other very important measures in reference to the accounts of the department. I always had a very patient listener and a very earnest and intelligent friend to assist me, when I wanted any assistance of that kind, in Mr. Beck. He promptly comprehended every point I made, and if it was wrong, showed it very quickly, and if it was right, approved it. Mr. Dawes was also on the same committee, and I can speak of him in the same way.

By Mr. DAWES:

Q. Did the bill which you prepared, and to which you have made allusion, become a law?—A. It did not. It passed the House by an absolutely unanimous vote.

Q. Reported from the Committee on Appropriations?—A. Reported from the Committee on Appropriations when you were chairman and Mr. Beck was a member.

Q. You have spoken very justly of Mr. Beck's co-operation in all your efforts to improve the method of keeping accounts. Will you, in order to make it clear to everybody, tell us from what sources you obtained those items which made up the discrepancy between one mode of stating the public debt and the other?—A. I obtained every particle of the information I put in my reports from the original record-books of the department relating to the accounts of "Issues and Redemptions" and of "Receipts and Expenditures"; from the published volumes known as Receipts and Expenditures; from the finance reports of the various Secretaries, from the first of Mr. Hamilton to the time I made the statement, and from all the sources of information I could get in this country and Europe. I even went so far as, at my own expense, to go to the house of Hope & Co., in Amsterdam, and get permission to examine the old records of the firm of Wilink & Co., who dealt with our government in 1776, and through whom we obtained loans from Holland, for the purpose of examining their records, and I did. I spent two or three weeks in a musty old garret in Amsterdam looking over books that were written in a language that was as difficult for me to understand as Coptic would be.

Q. Did you do that for the purpose of learning what was the actual cost of placing the loans at that time?—A. I did that for the purposes of ascertaining whether our accounts and theirs agreed, and what was done with the money, and as to whether the money ever came to this country at all, or whether instead of money we got arms and clothing and supplies. I went to Paris and examined the records of the family of Beaumarchais, who was the father of the farmers-general at the time we were struggling for our liberty, and had facilities offered me by his descendants of examining his original diaries and records.

Q. For the purpose of ascertaining the history of all these loans?—A. For the purpose of ascertaining the history of the various loans made to this government, and writing a book on the subject.

Q. Do the data from which you made this comparative statement now exist in the Treasury Department?—A. I do not think they do, except in a fragmentary shape and as continued by a gentleman by the name of Bayley, whom I had appointed for the special purpose of assisting me.

Q. I do not mean your minutes, but the data from which they were compiled.—A. The data all exist in the department.

Q. Could any man with your skill and patience and labor retrace your steps?—A. Without any difficulty, from the records as they exist.

Q. In the Treasury Department?—A. Yes, sir; without any difficulty.

Q. They exist without any change of figures?—A. Without a change or alteration or a scratch of any kind. You will probably find on some of the accounts which I examined, in my own handwriting, lead-pencil notes calling attention to errors in the statements of the clerks who made them.

Q. But has a figure been altered, so far as you know?—A. No figure has been altered in the records of the department or papers of the department.

Q. If the government should choose to continue the old mode of stating the public debt, the means of continuing it exist in the Treasury Department?—A. It is continued in the Treasury Department to this day—in the Loan Division of the Treasury Department.

Q. The same old mode?—A. The same old method; and if they do as I instructed the clerks to do when I had charge of the department, every month a debt statement made from the Receipts and Expenditures in the Warrant Division is compared with a duplicate debt statement made from Issues and Redemptions in the Loan Division.

Q. So that if the government should determine to go back to the old method of stating the public debt, they have but to refer to the books in existence in the department?—A. That is all; simply refer to their own records unchanged and unaltered in a single line or figure.

Q. When it is said there has been a change in the statement of the public debt, what is meant by that?—A. What should be meant by that is simply that the debt statement is now an accurate transcript of the cash and bills payable account of the government; and before that it was simply a statement of the bills payable account without any reference to the cash account except as the Treasurer may from time to time have counted and estimated his cash.

If you will permit me, I should like to call attention to a statement which I find here on page 120 of the testimony before your committee in the examination of Rafael A. Bayley, which has been shown me by Mr. Ingalls. It is in answer to a question of Mr. Dawes: "State now of what items that \$116,000,000 is made up." Following that is a tabulated statement by which it is shown that the details of the ten million which I spoke of as a flexible item to be further explained, is reduced

from ten million dollars to \$942,000, and the revolutionary debt which I stated in my account at \$76,000,000, has been analyzed, and is given in detail as "domestic debt of the revolution, estimated at \$63,918,475.44," and the remainder is shown to be made up of the loans and supplies obtained from France, the Dutch loan, the debt to foreign officers, &c. This was the result of some examinations made by Mr. Bayley under my direction before I went to Europe, and subsequently continued by him. The statement on page 120 in Mr. Bayley's testimony is the same statement which I made in 1871, only fuller and more complete as to its details.

By Mr. INGALLS:

Q. If there are any other matters bearing upon the subject concerning which we have interrogated you, that would throw any additional light upon the subject, I should be very glad if you would state them to the committee.—A. I do not know that there are any other points. If what I have stated to you, gentlemen, concerning my connection with the matter, and what I did is clear, I have told you all there is to tell about it. It may be that I have not made it very clear, because it is a very difficult matter to state technical things of this kind in such a way that "he who runs may read." An intelligent bookkeeper, or a man who knows about accounts, would at once see the object and meaning of what I have said and of the statements I have made; but to the layman it is a very difficult matter to exactly understand what bookkeepers or accountants mean when they speak of the debit and credit of the account, and when they say "bills receivable" or "bills payable." A man knows what his cash is; he receives his money and pays it out, and he cannot pay out any more than he receives. In government transactions it is very different. The government can pay out a great deal more than it receives from a certain specific source by receiving it from some other source. We paid out on account of loans \$116,000,000 more than we received. That \$116,000,000 was derived from revenue, and was in excess of the expenditures on account of the current expenses of the government. The plan of operations that I undertook to carry out was this: I wanted Congress to pass an act enabling the accounts of this department to be kept just as a business man would keep his accounts so as to show his profit and loss on his various transactions and his actual financial condition as derived from the money he received and the money he spent. This \$116,000,000 was not paid out without value. We received Louisiana and Texas, &c., and we had supplies during the revolutionary war and the services of soldiers, and we assumed the debt of Washington and Georgetown, and we had ships built for the Navy during the war of 1812, and we subscribed to the Bank of the United States stock, and we did various things by which we got property that we did not pay money for but gave our note for, and when the note matured we paid it in money. Now, if there had been a property account kept, and the property had been charged with its cost and paid for in bonds, and when the bonds were redeemed property had been charged with the money paid out, it would have made the cash account and the Issues and Redemption account of loans agree, necessarily, with the exception of the discount that had been suffered by placing loans and such minor errors as might have been made by clerks in stating accounts. That could have been provided for by a discount and exchange account, treating it in the same manner, and the errors that clerks had made could have easily been corrected by a law authorizing corrections when there were ascertained to have been real errors.



I may say that I found one difficulty in the commencement of my investigation. I had the utmost difficulty to convince people that, because a thing was printed in a book it was necessarily true. Transpositions of figures in the Finance Reports, transpositions in the Receipts and Expenditures statements, a naught where there should have been a six printed, a printer's blunder, was perpetuated from year to year right straight through the accounts, beginning with the entries in the first Finance Report or the Receipts and Expenditures account, and going on down because the clerks were in the habit of taking the printed statement that was made the previous year and adding on to it the statement that was made for the current year, and these errors were perpetuated and more errors made—purely a matter of proof-reading. All these things I had the greatest difficulty in finding. These were things that it required great labor to hunt up.

Q. You discovered then in the course of your investigation typographical errors in the printed statements of accounts?—A. Quite a number, of which I made notes, but I cannot find the note-book now.

By Mr. BECK :

Q. Would there be any value at this late day in passing a bill substantially like the one that you prepared with so much care in 1870 and 1871?—A. I think there would; it would require, however, to be somewhat modified in the light of recent legislation.

Q. I am speaking of a bill embodying the same general principle?—A. I think it would be immensely valuable.

Q. How far did the Kellogg bill, which was passed a few years ago remodeling and legalizing different bureaus in the Secretary's office, affect this matter?

A. That did not affect the principle in the least. It did not touch the mode of keeping accounts.

Q. I did not know but that in the distribution of the different bureaus it might have provided for some of the things you had thought of?—A. No, sir. I would like to say to the committee that one of the difficulties I found in connection with this business was the heterogeneous form of our organization in the Treasury Department. That organization began with an almost perfect system, for which Mr. Alexander Hamilton has the credit; and if the additions to the department had been made upon the same plan, a great many of these difficulties in accounts would have been avoided; but the nation was constantly growing, and additional bureaus had to be added to the Treasury Department, and each additional bureau was added and organized without reference to the existing plan of organization. The result is that the system of stating accounts in the old organization, which was composed of the Secretary's office, the Register's office, the First Auditor's office, and the First Comptroller's office, differs from the system that was subsequently created when the Second Comptroller's office and the Second and Third Auditor's offices were created, and differs still more from the organization when the Fourth Auditor was added, and differs still more when the Fifth and Sixth Auditor's offices and the Commissioner of Customs were added.

Q. Did they not for a long time have to run bureaus under the Secretary without having any legal organization attached to them, as a matter of necessity?—A. Yes, sir; they did for a long time as a matter of necessity in the transaction of business.

By Mr. DAWES :

Q. And afterwards they were legalized?—A. Afterwards they were legalized.

By Mr. BECK :

Q. The Kellogg bill put them in shape?—A. The Kellogg bill put them in shape.

By the CHAIRMAN :

Q. You spoke of a re examination of the books along about 1870. Was that done by yourself personally?—A. Nearly all of it. I think perhaps for the first year every bit of it was done personally by myself. Subsequently I employed others to assist me, finding it so much work, and being otherwise engaged.

Q. From what dates to what dates did your examination extend?—A. My examination began with the organization of the government in 1789, and extended throughout the entire loan accounts of the government, skipping items that required very great labor to get at their details. They covered the entire field. The details, however, of some of the items I skipped in my examination. For instance, I would begin my examinations at the organization of the government and take all the laws affecting loans; then take all the accounts of the Receipts and Expenditures and of Issues and Redemptions, and I would make a careful analysis and comparison of those, item by item, until I would strike an item like the Revolutionary debt, \$76,000,000. At once I knew that that item would require a month of the hardest kind of digging to get at the details of it, and I would omit that item, simply putting it in my memorandum as an item of \$76,000,000 to be further examined, and then go on. I finished the examination of the entire loan accounts and the comparison of them before I made my statement of 1871, but I did not examine all the details till afterwards, and some of the details I never examined, but left to my successors to do.

By Mr. DAWES :

Q. Unfinished work when you left the office?—A. Yes, sir.

By the CHAIRMAN :

Q. You speak of loans. Do you mean the public debt?—A. The public debt; yes, sir.

Q. What did you do with the general Receipts and Expenditures; did you examine them?—A. I examined the general accounts of Receipts and Expenditures in relation to loans only, not in relation to revenues or expenditures for current expenses. That I left for my successors to do.

Q. Did you make any examination of the Receipts and Expenditures other than those on account of loans and discounts?—A. Personally I did not. It was done, however, under my direction by Major Fish and Mr. Bayley, two experts detailed by me for that purpose after I found my own time so much occupied with other things.

Q. When did you commence the examination?—A. As I stated before, I cannot be accurate as to the date, but it was at the commencement of the administration of Mr. Boutwell, somewhere in March, 1869, I think.

Q. You commenced the examination in March, 1869?—A. Yes, sir.

Q. When did you end it?—A. I continued the examination myself, personally, until 1871, when I made the first statement that is in the Finance Report, and then under my supervision it was continued by the two gentlemen I have named until 1873, I think, when I left the country; and I believe one of them has continued it since.

Q. Did you examine the books themselves in which the accounts were kept, or did you examine the reports of Receipts and Expenditures in print?—A. I examined the books of original entry, the original accounts stated by the Auditor and Comptroller, and the books in print. I examined all the data I could find, whether in print or the original documents.

Q. Am I to understand, or not, that you examined each book, each entry on account of the public debt from the organization of the government down to 1870?—A. O, no, sir; I did not examine each entry. I examined each book and each account, but not in detail, so as to go to each entry. It would have taken years to have examined each entry. I had expected, I may say, to do that before I got through.

Q. The question is what you did do before these changes, if any, took place?—A. Permit me to say that I did not make any change.

Q. I said "these changes, if any." Did you take the footings, or did you make additions to see whether they were correct or not?—A. I took the footings as they appeared on the books of original entry, and the reports of Issues and Redemptions, and the footings of the ledgers of the public-debt accounts. I did not make additions myself; I did not go over the additions to see that they were correct.

Q. Did you take the footing of each page or the footing of a month or a quarter?—A. The footings of the year from year to year, and frequently on loans that were nearly all redeemed the footings would not vary for four or five years at a time.

Q. Did you go to the books in every case, or did you take a part of the figures from the printed Receipts and Expenditures of the government?—A. In every instance where I discovered an error I went to the books of original entry, assisted by a report made to the Register of the Treasury by a gentleman in that office—I think his name was Haines—from which I derived a great deal of information. That report was in manuscript; I think it never was printed.

Q. Can you give the date of that report?—A. That I cannot do. I think it was made some time in 1853 or 1854. It was a report of the result of an examination of all the loan accounts made under the direction of the Register of the Treasury by Mr. Haines, with perhaps some other gentleman assisting him.

Q. From your experience in the department, which has been considerable, how long would it take, commencing now with, say, five clerks, to begin at the organization of the government and come down to 1870, and examine each item or entry with a view of seeing whether it was correct and with a view of comparing the entries in one set of books with the different books kept in the department, and including the warrants that were issued for the receipts or for the expenditures?—A. With the assistance of five competent accountants I could do that work in about two years.

Q. How many clerks had you to assist you?—A. For the first year and a half, up to January, 1871, I did the work myself, mostly at night, working from seven or eight o'clock until ten or eleven or twelve, as I was able.

Q. After you had done your business day's work?—A. Yes, sir. After that I had the assistance of Major Fish, a thoroughly competent accountant, and still later the assistance of Mr. Bayley, also a competent accountant. That is all the assistance, I believe, I ever had, except incidental assistance from the clerks in the Register's office and other offices who were interested in the subject.

Q. What do you mean by "incidental?" Do you mean that you put

some one to examine the figures carefully and make a report of his examination, or do you mean that clerks occasionally assisted you where to find things?—A. I mean this: That there were clerks in the department who were interested in the subject and who would examine of their own accord the books and discover an item, and they would bring it to me and point out the error, and then I would examine that with care.

Q. I understood you to say that you commenced this work about the time of Mr. Boutwell's induction into office, and you ended in December, 1871?—A. Yes, sir.

Q. And the result was embodied in the Finance Report of 1871 to Congress?—A. Yes, sir.

Q. I have here the Finance Report of 1870. Look at the table on page XXV and see if that is the result of your work (handing witness the Finance Report of 1870).—A. (Examining.) That is not the result of my work, I think. That is the first time, I think, that I undertook to state the account of loans and Treasury notes, or the public-debt account.

Q. Is that statement the result of your work?—A. About that I cannot say positively. I am under the impression, however, that it is an attempt to make the debt statement correct, the first attempt I made.

Q. Now, take the report which you did make and see whether that does not agree with it to a cent. I hand you the Finance Report of 1871, and ask you to see if the table on pages XXI and XXII is not just like that in the report of 1870, as to which I just now inquired.—A. I presume they are.

Q. Can you not say positively whether they are alike or not?—A. (Examining.) I think there is no question that they are identical statements.

Q. If you commenced your work in 1869 and finished it in 1871, how do you account for that table in the report of 1870, which was sent to Congress in 1870?—A. I cannot recall the facts in detail, but I presume that that table in the report of 1870 was the result of my investigations up to that time, and the subsequent investigations simply confirmed my previous examination and carried the details further.

Q. Then, do I understand that instead of 1871 it was in 1870 that you completed and made the report to Congress?—A. No, sir; I did not complete it and did not make any report to Congress, except so far as furnishing that table.

Q. I am not speaking of you, but the Secretary of the Treasury.—A. I understand. I did not complete the table in the Finance Report of 1871 in 1870, only so far as correcting differences I had discovered up to that time was concerned. In 1871 I added to the report the notes.

Q. Confine yourself now to the public debt statement. I understood you to say that you personally examined the public debt.—A. I personally examined the public-debt accounts.

Q. You commenced in March, 1869, and ended in December, 1871?—A. Yes, sir.

Q. I ask you whether or not the table in the report of 1870, on page XXV of the public-debt, is not in exact figures as to the amount of the public debt each year the same as the table in the report made in 1871?—A. I would like to compare the figures one by one before I answered that positively; but I think they are. I do not think that there is the slightest doubt that they are.

Q. How do you account for the result of your work being in the report of 1870 when you did not finish it until 1871?—A. The result of my work is not in the report of 1870, except in the form of that table.

The result of the work so far as it went in 1870 is in the report of 1870. My impression was that it was not, but I find that it is; and it simply shows that at that time, in December, 1870, I had progressed so far in my work as to justify the publication of that table.

Q. And your subsequent examination made no change in it?—A. It probably did make changes. I do not know positively whether it did or not.

Q. You are intelligent enough to tell whether it did or not? There are the two statements, and you ought to say.—A. It makes no change in those two tables as to the gross amounts. It does make changes in the details.

Q. I am speaking of those two tables.—A. Those two tables are in all probability identical tables.

Q. This report is dated December 5, 1870, addressed to Congress. Upon examination the table of the public debt appears to be the same as in the report of 1871, so that your work appears in the report of 1870?—A. It appears to be in the report of 1870 as well as in the report of 1871, but in the report of 1871 there is another table which shows that I had published one year before the correct debt statement. It was the result of my examination up to that time.

Q. I hand you for the purpose of your examination and give you an opportunity to answer the question. I shall ask a statement which you will see is taken from the Register's and Secretary's Reports of 1870 as to the public debt with the result of each year, whether it be an increase or decrease of the public debt. I am asking no question now as to the footings; but taking these tables which have been put in evidence as correct, is there or is there not a change in almost every year from 1833 to 1870, in some years a decrease and in some years an increase?—A. By this statement it appears that there was a change in every single year one way or the other from 1833 down to 1870.

Q. Were these changes the result of your work?—A. That I cannot say, for I do not know.

Q. Assuming that statement to be correct, which has been put in evidence as correct, is that the case?—A. I can simply answer the question in this way. I find here an item which I recall: The Register stated the debt in 1835 at \$351,289.05; the Secretary's statement is that the debt was \$37,513.05, showing a decrease in the Secretary's statement of \$313,776. That decrease in the statement of the debt was the result of my examination of the debt accounts. I presume these other differences were results of examinations conducted at the same time and of subsequent examinations from the commencement of my work to the time the table was published.

Q. I understood you to say that you commenced your examination of the public debt at the beginning of the government, which was 1789?—A. Yes, sir.

Q. There are no different figures stated until 1833. Were they correct, and did you find no differences previous to 1833?—A. I think there are corrections made in subsequent Finance Reports, although I may be mistaken. I did not charge my memory with that detail, but there were differences prior to 1833, which are explained in the tables of the Finance Reports which I prepared or which were prepared under my direction.

Q. Look at some of the Finance Reports, such as you think proper?—A. I will take the Finance Report of 1873 and compare it.

Q. Tell me whether or not there were changes made previous to 1833 or whether you found any differences.—A. I do not see any changes in

subsequent reports. I have looked at the report of 1873. The amounts of the debt as stated from 1791 to 1833 are exactly the same in the Finance reports of 1870 and 1873.

Q. Having examined the debt from the beginning of the government, can you give us any reason why you made no changes, or why the figures were not different previous to 1833 while they differ every year after 1833?—A. Yes, sir; I can. The years 1833 and 1834 differ very slightly, and they are differences which would seem to indicate an omission. The items are one of \$665.95 and the other of \$1, both of which may have been caused by the omission of an item of the debt that was redeemed. In 1835 the debt was at its lowest point, it had all been called in and there was a large surplus in the Treasury. I assumed in making my first examination that the errors at that time had reached the smallest point, and I started in my examination, after making this investigation and discovering this fact, from 1835, because I had here almost as good a starting point as the point would be where there was no debt, or at the beginning of the government; and rather than make any changes prior to that time, the result having been reached in 1835 that there was no debt, for it had been wiped out, before making any changes prior to that time examinations should go to the very last degree of accuracy in reference to every item; but subsequent to that time the investigation could be continued with the utmost accuracy from year to year by reason of the fact that I had a starting point in 1835. I did not charge my memory with the arguments I used with myself; but I recall the fact that I did suspend my examination from the beginning as to the details, and began anew in 1835, because the debt was so small at that time that the possible errors were at the minimum, and I made the examination from 1835 with the utmost care.

By Mr. DAWES:

Q. Leaving the same examination as to the past to be a matter for the future?—A. Leaving the same examination as to the past to be conducted as opportunity offered, and of course the examination as to the past had to be made to a certain extent, and was made so as to explain as much as possible of the Revolutionary debt and of the debts that did not appear in the cash account from 1791 to 1835.

By the CHAIRMAN:

Q. The debt account previous to 1870 had been made and kept in the Treasury Department by what are known as Issues and Redemptions?—A. Yes, sir.

Q. In 1870 or 1871 it was changed and kept by what are known as Receipts and Expenditures on account of the public debt?—A. It was not changed; I simply added another method, leaving the old method to continue exactly as it had been continued all along, but I stated the debt in addition in a new way from Receipts and Expenditures, and I used the Receipts and Expenditures account for the public-debt statements, after, however, comparing that with the results of the statement of the account from loans and Treasury notes, as it was called, or from Issues and Redemptions.

Q. Did you or did you not in 1871 in your new statement change the system from what is known as Issues and Redemptions to that of Receipts and Expenditures, and did that or not make the difference in each year from 1833 or 1835 in the total amount of the public debt as stated by yourself?—A. I can say in answer to that question simply that the statement of the public debt printed for general circulation was made up on the 1st day of January, 1871, from an account of the debt kept

in accordance with the Receipts and Expenditures, and I believe that it was made up on that day for the first time from the data derived from that source. Prior to that time the public debt statement had been made up, so far as I know, from the account of Issues and Redemptions. The statement from that time, from the 1st of January, 1871, to the present time, if the books have been correctly kept, will agree in every item of increase and decrease with the account of Issues and Redemptions. Prior to 1871, however, and going back to 1835, the account of the debt made up from Receipts and Expenditures differs from the account of the debt made up from Issues and Redemptions in a varying amount, depending entirely upon how many outstanding and uncovered amounts remained on the books of the Treasurer, or, in other words, how much of the receipts on account of loans had been satisfied by the issue of bonds, but had not been covered into the Treasury before the books relating to Receipts and Expenditures, and covering the same period of time, were finally closed for the purpose of the annual settlement.

Q. I will endeavor to ask you straight questions, and I would be glad to have direct answers, one way or the other?—A. I will try to give you an answer, I assure you.

Q. If you have explanations to make after making your answers, of course you can make them; but it is due me, and I have a right to ask that you shall answer each question directly, and then you may make any explanation you think proper.—A. I will try to answer the questions as directly as possible.

Q. It appears that each question carries you into an argument. It is not usual for a witness to argue a question. It is usual for a witness to answer questions.—A. It is usual also for a witness to endeavor to understand a question before he answers it.

Q. Of course, if you do not understand it say so; but I should like an answer that would enable me to learn whether you mean "yes" or "no."—A. There are a great many questions that cannot be answered "yes" or "no," and that I do not propose to answer "yes" or "no." I propose to answer so that I can swear to what I say.

Q. You have sworn to all you are saying.—A. Yes, sir, and I want to make my answers correct, and I will endeavor to give you the exact answer to every question you ask me, as I have done heretofore.

Q. Now, will you tell me whether or not you changed the system, and whether you made a change in the gross amount of the public debt between the years 1835 and 1871?—A. I *did* change the system, and it did *not* make a single cent's difference in the gross amount of the debt.

Q. Now tell me what the amount of public debt was, as stated previous to 1870, for the year 1862?—A. In the Finance Report of 1869, page 317, the Register of the Treasury states the public debt on the 1st July, 1862, at \$514,211,371.92, and in the Finance Report of 1871, page 13, the Secretary of the Treasury states the public debt for 1862 at \$524,176,412.13. By the Secretary's table of 1871 the debt would appear to have been greater in the year 1862 than by the Register's table of 1869 by \$9,965,040.29.

Q. Then in that year there appears to be a difference?—A. There is a difference between these tables of \$9,965,040.21.

Q. Now take the two following years, and tell us whether there is not a difference and an increase?—A. In the two following years there is also a difference between the two tables. For the year 1863 the difference is an increase in the Secretary's statement of \$20,978,957.26, and for the year 1864, there is an increase in the Secretary's table of \$75,093,881.08.

Q. Then, as reported by the Register for the years we have named—1862, 1863, and 1864—and as reported by the Secretary in the report of 1871, and continued since, there is a difference in round numbers of \$10,000,000, \$20,000,000, and \$75,000,000 in these three years, and there is an increase in the Secretary's report?—A. Yes, sir.

Q. Then do the figures in the two reports agree?—A. They do not agree in the two reports.

Q. Was not the great amount of this \$116,000,000 that you spoke of in the Revolutionary debt, and did not that occur previous to 1835?—A. \$76,000,000 of it, I think, was in the Revolutionary debt; that is, the estimated Revolutionary debt. It never has been ascertained exactly what it was in detail.

Q. That being so, would not the large amount of difference apparent in those reports have occurred previous to 1835?—A. No, sir.

Q. The debt previous to 1835 had been reported by Issues and Redemptions had it not?—A. Previous to 1835 I cannot say. I do not know. I am very much inclined to think that the debt statement was, prior to 1835, made up from the published account of Receipts and Expenditures, but I do not know that positively, and could not state it positively without a careful examination.

Q. You stated, a short time ago, that there were certain bonds issued for the Revolutionary debt. When were those bonds issued?—A. I cannot give you the date, but they were issued some time between 1789 and 1791.

Q. What was the amount of those bonds?—A. Estimated at \$76,000,000, though I believe the exact amount has never yet been ascertained. It is believed that some are still outstanding.

Q. Was it not previous to 1835, that they were issued?—A. O, yes, they were issued previous to 1835.

Q. That being so, how could you state the debt by Receipts and Expenditures when no receipts came into the Treasury for that large amount of money?—A. By Receipts and Expenditures as far as they would go, and by patching up the books from the loans and issues where there were no receipts, and that is precisely what they did do. M. Baker, whose handwriting and work I ran across very frequently in my investigations in this department, seems to have kept a record of his own, showing a great many of these old loans and memoranda of the fact, where the money did not go into the Treasury. I found a large book of memoranda made by him in 1824, in which he explained at that date a great number of these old stocks that were issued without moneys being received for them.

Q. I understood you to say that by patching up the books they could state the public debt by Receipts and Expenditures?—A. Let me make it more plain by saying that the accounts of the debt would be stated from the Receipts and Expenditures as far as the Receipts and Expenditures went, and then where the Receipts and Expenditures did not agree the difference was the loans or the expenditures on account of loans for which no money was received.

Q. Could you keep a correct account Exclusively by Receipts and Expenditures of the public debt?—A. Yes, sir; I can keep a correct account.

Q. How would you manage a case that occurred within a short time, as the Eads jetty issue, or the payment of the Massachusetts debt by the United States, where bonds were issued and no receipts came into the Treasury?—A. Precisely as I did manage the Maine or Massachusetts case that you speak of. If you will examine the books of the depart-



ment, you will find that in reference to that issue of bonds to Massachusetts for the account of Maine's claim growing out of the northeastern boundary question, the amount appropriated by Congress was six hundred and seventy-eight thousand and some hundreds of dollars, to be paid in bonds. When the appropriation was made I was very anxious to have the transaction appear as it should on the books of the department, and in consultation with Mr. Taylor I arranged to have it so, because in the act providing for that there was an appropriation. I put the money to the credit of an appropriation account on the books, six hundred and seventy-eight thousand and whatever the hundreds were, and issued a warrant directed to the Treasurer of the United States to pay that, and directing him to deposit the amount to the credit of loans as a subscription for those bonds, so that it appears in the accounts as a disbursement of moneys from the Treasury to pay the debt and a receipt of money into the Treasury to buy the loan.

Q. You say that act made an appropriation?—A. It authorized the transaction.

Q. It authorized bonds to be issued to pay that claim?—A. And, I think, made an appropriation also.

Q. Suppose it had not made an appropriation; suppose, as in the Eads jetty matter or as in the Revolutionary debt, there was an act directing so many bonds to be issued to pay a certain debt, how would you manage if there was no appropriation made?—A. You have in the statement of the public debt an exact case like that, the Oregon war debt. There was no appropriation made, but bonds were issued directly to the claimants in payment of money, but no money ever came into the Treasury.

Q. How did you manage that?—A. The entry could not be correctly and legally made without a change in the law so as to authorize the accounts to be kept in the way I have suggested; but I did not prepare a bill with that end in view.

Q. But no such law has ever been passed?—A. No, sir.

Q. And yet the entries were all made?—A. You mean the entries are all made in the books?

Q. Yes?—A. Certainly.

Q. Then they were made without law, but believed to be correct?—A. The entries are not made by Receipts and Expenditures.

Q. Of course not?—A. They are made by Issues.

Q. That is just my point, that you cannot make them by Receipts and Expenditures and must do it by Issues?—A. The only account since the 1st of July, 1871, that I recall in which that condition of things occurs is in that northeast boundary case I have just spoken of. I know of no other except the Eads jetty issue, and I have no idea of how they did about that.

Q. As to the general Receipts and Expenditures, the tables appear different previous to 1870 and subsequent to 1870. Did you examine the general account of Receipts and Expenditures to find errors when you made your general examination?—A. Not personally. It was done under my direction.

Q. How long were they at it?—A. That I cannot say. Whenever an error was found it was corrected, or a note was made of it calling attention to it, and in our subsequent tables the correct statement was made.

Q. Were the examinations made from the books themselves or from the printed Receipts and Expenditures?—A. I think they were all made by the clerks from the books themselves, in comparison with the printed books of course.

Q. Do you know whether they compared the books in the different

offices—the Secretary's, the Register's, and Comptroller's—to see whether they agreed?—A. The rule was when I came to the department not to do anything of that kind; but if you have examined the accounts from the time I took charge of the Warrant-Office until I left it you will find that the comparisons were made monthly, and if errors were discovered they were hunted up and corrected until the books agreed. Prior to that time this was not done so far as I know, except that ledger accounts were compared and made to agree annually.

Q. And had you a clerk or clerks engaged in that matter?—A. I never had but two clerks who did the work of examination of the debt accounts, and they were not permanently engaged on that work. They had other duties.

Q. How long were they at it?—A. I could not state. I presume that on and off they were engaged on that work at all their leisure, all the time they could spare from other duties, from the time I began my examinations in 1869 until I left the department, and perhaps after I left they continued it. I do not know. Under my direction they continued at it all the time I was in the department.

Q. Bear in mind that the table with the different figures appears in the report of 1870.—A. If it appears in the report of 1870, then they were about eighteen months at it up to that time. I was under the impression that it was not until 1871 that those changes were made, but I find now, upon looking at the reports, that they were made in 1870.

Q. You have stated that you made certain reorganizations in the early part of your service as chief clerk of the department. What were they generally?—A. I reorganized the Secretary's office into divisions, charging each division with a specific part of the work.

Q. What divisions did you make, do you recollect?—A. I cannot tell you unless I had the report I made to the Secretary on the subject.

Q. You made the Warrant Division, did you not?—A. I made a Warrant Division, an Independent Treasury Division, a Customs Division, an Apportionment Division, a Revenue-Cutter and Life-Saving Division.

Q. A Loan Division?—A. That had existed independently long prior, but it was one of the divisions; a Treasury Note Division, and some others, perhaps. I think probably the business was divided up into fifteen different classes, and to each class of work or business was assigned a chief, who was responsible for the proper performance of the duties of that division, with clerks to assist him.

Q. At that time there was no law authorizing it, and it was legalized by what is known as the Kellogg bill in 1874 or 1875. Is that so or not?—A. That is so; there was no law authorizing it, but there was nothing done in making this organization that contravened any law. It was simply organizing a force of men that were authorized by law to be employed, into companies, and regiments, and battalions, for the sake of convenience and system in transacting the business. There was no increase of compensation except such as was authorized by law.

Q. Was there a change from the Register's office to the Loan Division of the Secretary's office as to the issue of bonds at the time you made that reorganization. Have you any recollection on that point?—A. I do not recollect that there was any change made in reference to those duties.

Q. Do you recollect whether there was a change of any kind made as to the cancellation or destruction of imperfect bonds or notes—there is always a percentage of imperfect paper for printing bonds or notes returned from the printing bureau to the Loan Division, is there not?—A. Yes, sir.

Q. Do you recollect whether there was a change of any kind made in connection with that by you at any time?—A. You mean a change in the method of checks or receipts for destruction?

Q. Yes.—A. I have an indistinct recollection that I did institute some additional checks there, but I could not tell you what they were without an examination to refresh my memory.

Q. Have you any recollection, in making up your debt statement, of what is known as the Pacific Railroad bonds, a debt of about \$58,000,000 in round numbers?—A. Yes, sir.

Q. Do you recollect whether or not these bonds had been in the public-debt statement and treated as a part of the public debt up to 1869?—A. I think these bonds were treated as part of the public debt prior to the time of Mr. Boutwell taking charge of the department.

Q. When was that item dropped from the public debt of the United States and treated as a separate Pacific Railroad debt?—A. I think it was in March or April, 1869. When Mr. Boutwell took charge of the department one of the first acts of his administration was to take it out of the body of the debt, if my memory serves me, and put it by itself as a Pacific Railroad debt.

Q. Ought that, or not, to have reduced the total amount of the public debt the exact amount of what was known as the Pacific Railroad debt?—A. It should have reduced the principal of the debt by the amount taken out, of course.

Q. That amount was about fifty-eight million dollars?—A. \$58,638,320 on the 1st of July, 1869, but on the 30th of June, 1868, the amount was only \$29,089,000.

Q. What was the amount at the time it was taken out?—A. On the 1st July, 1869, the total was \$58,638,320, which was the first of the fiscal year following Mr. Boutwell's taking charge of the department.

Q. You have before you the debt statement as it existed on June 30, 1868, but signed by Mr. Boutwell, and dated May 20, 1869. You were in the department at that time, I believe?—A. I was.

Q. Were those statements made up under your direction?—A. I am inclined to think not. I do not recollect whether they were made under my direction or not; but I am under the impression that they were made by a gentleman by the name of Marsh, who was an unattached clerk in the department at the time.

Q. Can you account for the reason that statement purporting to give the debt in June, 1868, was made up in May, 1869?—A. I am inclined to think that the debt statement signed by Mr. Boutwell, and dated May 20, 1869, was made for the purpose of comparison with the debt statements subsequently made by him, and for the sake of getting a uniform basis of comparison.

Q. At the date that statement was made was the Pacific Railroad debt treated as a part of the public debt June 30, 1868?—A. On the 30th of June, 1868, I am under the impression that the Pacific Railroad debt was treated as a part of the public debt.

Q. In that statement now before you, is it treated as a part of the public debt?—A. It is not. It is not included in the amount of the debt which Mr. Boutwell says the government owes. It is in the public-debt statement.

Q. It is on the public-debt statement, you mean?—A. On the public-debt statement, but not included in the recapitulation or gross amount.

Q. It is treated there as a Pacific Railroad debt?—A. Precisely.

Q. Now look at the Finance Report, made for the year ending with the same date, June 30, 1868, and see whether the Pacific Railroad debt

is not treated as a part of the public debt of the United States.—A. In the Finance Report of 1868, made by Mr. McCulloch, when Secretary of the Treasury, in table No. 3, at page lvi, purporting to be a statement of the indebtedness of the United States on the 30th of June, 1868, there is an item "Acts of July 1, 1862, and July 2, 1864, bonds issued to the Pacific Railroad Companies," in accordance with these acts, \$29,089,000; and it would seem from that to be included in the public debt, and that Mr. McCulloch regarded it as a part of the public debt of the United States.

Q. In the Finance Report, submitted by Mr. McCulloch to Congress, the Pacific Railroad debt, amounting in round numbers to \$29,000,000, is included as a part of the public debt?—A. Yes, sir.

Q. In the debt statement that was made by Mr. Boutwell, giving the public debt for June 30, 1868, it is separated and treated as a separate debt of the Pacific Railroad Companies?—A. Yes, sir; treated as bonds issued to the Pacific Railroad Companies.

Q. Do you recollect a letter written by you as chief clerk, for the Secretary, in 1871, to Mr. Allison, Register, in regard to some change that you wished in the manner of reporting the public debt?—A. Yes, sir. I think, perhaps, it covers more than that. I have not seen the letter for many years, but I think it probably covers all classes of accounts.

Q. (Exhibiting letter of November 24, 1871, of Mr. Saville to the Register of the Treasury, published on page 5 of this testimony.) Did you consult Mr. Boutwell before you wrote that letter?—A. I think I did.

Q. Do you recollect whether or not Mr. Allison had any personal interview with you in connection with that letter?—A. I presume he had, but I do not recollect that he had positively.

Q. Do you recollect whether or not Mr. Allison differed with you as to the propriety of making the changes which that letter directs?—A. I am inclined to believe that Mr. Allison did not agree with me as to the propriety of making the changes, and gave as his reason for that difference that he would prefer to have all of those corrections made after examinations had been made by his own clerks. That is my impression, and I also think that he instructed his clerks to make an examination. Dr. Guilford, and Major Power, who was then his chief clerk, if I am not mistaken, did make the examination, and prepared a printed statement of the differences with explanations, and satisfied Mr. Allison that I was right. I give this as my impression after the lapse of a number of years.

Q. Was the order obeyed?—A. Yes; I think it was.

Q. In the Finance Report for the year ending June 30, 1869, the debt appears as it had been reported by the Register from the beginning of the government down. That report was made in Mr. Boutwell's administration while you were chief clerk, was it not?—A. I presume it was made by the Register of the Treasury. It was not made in the Secretary's office in 1869. If it is contained in the report of 1869, I think it came from the Register's office and was signed by the Register.

Q. Do you think all the reports from the commencement of the government down to 1869 gave the true amount of the public debt, or gave a false amount for each year?—A. Well, the reports of the government when taken altogether gave the correct amounts of the public debt derived from the data from which they were taken, and the discrepancies between the reports arose simply from the fact that they were made from different data.

Q. On page 317 of the Finance Report of 1869 is a statement purporting to be the amount of the public debt for each year from the organization of the government to 1869, is there not ?—A. Yes, sir.

Q. Does that agree with the report made by yourself in 1870 and 1871 ?—A. It does not.

Q. Do you think that statement is true or false ?—A. The statement of the public debt in the report of 1869, on page 317, is a correct statement of the public debt from the books and accounts of the Register of the Treasury relating to loans and Treasury notes, or Issues and Redemptions, as they are sometimes called.

Q. If that be a correct statement for the year 1862 that we have heretofore referred to where there was \$9,000,000 difference in round numbers, and an increase by the report made in 1871, how can both be true ?—A. They can both be true because they were made from different data; and while I do not undertake to say that the entire difference will be found in the uncovered amounts, I presume that nearly or quite all of it will be found to be items of receipts from loans that had been deposited in the Treasury and had not been covered into the Treasury by covering warrants; and, if an item is not covered into the Treasury by covering warrants as of date during the quarter or fiscal year, the cash receipts by Receipts and Expenditures would not show it.

Q. That report was made on the 6th of December, 1869 ?—A. Yes, sir.

Q. The fiscal year ends in June ?—A. On the 30th of June of the same year, five months prior.

Q. Was not that time enough to collect and include any warrant that might have been out ?—A. Yes, sir; sixty days is time enough to have all the moneys deposited covered in.

Q. There is for that one year an actual difference between the 1869 report and the 1871 report, as changed by yourself, of nine million dollars in round numbers ?—A. There is an actual difference of nine millions and more.

Q. And the statement made in 1871 by yourself increases the amount of the public debt nine millions ?—A. Yes, sir.

Q. Can they both be correct when one is nine millions in round numbers more than the other ?—A. Yes, sir; they can both be correct.

Q. Then do I understand that two statements can be made from the books, differing nine million dollars as to the gross amount of the public debt at the same date and for the same time, and both be right ?—A. You put in a point there that changes entirely the character of the question. They can both be right when looked at and compared with reference to their origin. They do not relate to the same period of time as between two dates. The issues of loans are based on certificates of deposit given by the depository, assistant treasurer, or whoever may have received the money; but the person who deposits on account of the loan, as soon as he receives his certificate presents it to the Secretary of the Treasury and gets his bonds. Now, in the course of business that money is deposited immediately in the Treasury; before he gets his certificate it is deposited, and it is reported in the Treasurer's transcript of moneys received during that quarter; but the rule of the department always was never to cover an amount into the Treasury formally until the duplicate certificate had been received, so that there could be no error in the receipt accounts. Frequently the duplicate certificate did not come in for months afterwards, and it never was covered until that duplicate certificate came in. As a result of that, Congress passed an act to enable the Treasurer to settle his accounts, the act of 1866, by which they provided for an outstanding liabilities account, to

which all uncovered amounts should be credited after they had been uncovered for a certain length of time. These duplicate certificates, some of them never did come in.

Q. But five months had elapsed between the close of the fiscal year and the date of this report?—A. Yes, sir.

Q. Was not that time enough to get in all such items?—A. The books are always kept open for each quarter, sixty days, and then the quarter is closed, and all not covered in at that time is treated as outstanding or uncovered amounts. During the year 1862 the organization of the Treasury Department was inadequate to the business it had to do. We were conducting an enormous war, and doing business on an enormous scale, and we were doing that business with a very inadequate force of competent men to do it.

Q. That being so, take the year 1869, there was no war then, and see whether the difference there is not very much greater than \$10,000,000. Tell me the difference between the statement of the Secretary and the statement of the Register for the year 1869?—A. For the year 1869 the Secretary's statement of the debt, according to the table before the committee, is \$99,000,000 greater than it is as stated by the Register.

Q. There was no war then?—A. No war then, I believe.

Q. And yet the difference had increased from 9,000,000 in round numbers up to 99,000,000 seven or eight years afterwards! You understand those to be running balances, do you not?—A. Yes, sir; those are running differences.

Q. Then really if, in 1862, there were nine or ten millions difference, it would run on, and that would be included in the 99,000,000, would it not?—A. It would vary backwards and forwards; every year must be taken by itself, and each item must be explained by itself. One item does not in any manner connect itself with any preceding item.

Q. You stated that there was a difference between yourself and Mr. Bristow, originating previous to his being Secretary. Do you desire to make any further explanation of that?—A. O, no. Mr. Bristow and myself were not friends.

Q. Did your difference grow out of official duties?—A. Yes, sir.

Q. You have said that you examined the books and that there were no erasures or scratches upon them?—A. That I made none.

Q. You referred to that matter in some way. In your examination of the books did you discover or see any erasures or scratches upon any of the books?—A. Yes, lots of them; alterations and erasures; and it would be impossible to keep books without making erasures, in my opinion.

Q. What was the character of those you saw?—A. In the nature of erasures and corrections made in the course of the business, where a clerk probably had made a mistake, transposed a figure or had entered a wrong amount or a wrong number, and discovering his error had erased and corrected it.

Q. Was that in the day-books or journals only, or was it carried on into the ledgers?—A. I will say that in all the examinations I made of the accounts of the department I never was able to find a correction and alteration or an erasure that was not justified by a careful examination of all the material that went to make the basis of the entry. I mean by that that taking a single erasure or alteration and tracing the occasion for it through all the papers which related to that entry, I never found that the same erasure had been made in all the papers relating to that one entry. The erasures were all evidently the result of discovered errors subsequent to the making

of the entry. Whenever an erasure was made, it always had an object in view. I will say that when I first came into the Treasury Department, I had an idea that it was very wrong to ever make a change on a public book without explaining right on the book itself why it was done; and if you have examined the books I have kept when I first came into the department, you will find that wherever there is an alteration or erasure that does not explain itself there is a red-ink note explaining it, until I found that it was absolutely labor that I could not perform.

Q. Are you speaking now of the day-books and journals or of the ledgers?—A. The day-books, journals, and ledgers, but mainly the registers, or day-books, as they might properly be called.

Q. Do you think it would be good bookkeeping to carry erasures into the ledger? Of course a ledger is made up from the day books and journals, and do you think it would be good bookkeeping to make "lots" of erasures and alterations, as you expressed it, in the ledgers?—A. I should not call it good bookkeeping. I would not employ a bookkeeper who did much of it.

Q. While it might occur frequently in the day books or journals, ought it to occur in the ledgers?—A. It ought not to occur very often in the ledgers unless there is some reason for it. When I said "lots," I did not have reference to the volume of the business. When you consider the alterations and erasures in relation to their proportion to the volume of business done, there were very few erasures comparatively. The erasures were numerous; but, in proportion to the volume of business done, they were very few.

Q. Was it your business during the time you were in the department to prepare and issue warrants? Was that under your supervision?—A. When I went into the department I was assigned to duty in the War Warrant office, and from that time on it was my duty to issue warrants and supervise the accounts, either in part or in whole, of the Warrant office; during the first few years only a part of the business, and subsequently the entire warrant business of the department was under my charge.

Q. From your experience, ought the warrants to contain erasures or alterations?—A. We made it a rule to have the warrants contain no erasures or alterations if it could be avoided. Occasionally it could not be avoided.

Q. Why not?—A. As, for instance, a warrant was issued to pay a man an amount which was found to be due him, and certified in the usual way, and an error was made in the body of the warrant perhaps, or some other slight error which would not be discovered until some time afterwards when the Treasurer's accounts were settled. In the mean time the officer who signed the paper was dead, or there were other reasons which made it impossible to make a new paper to take its place. In cases of that kind the safest and only way to do was to alter the original document to make it correct.

Q. Would you alter it or write upon it?—A. Usually we tried to alter it as neatly as possible so as to make it look right.

Q. Is there authority, to your knowledge, anywhere that will permit any person to alter a warrant after it has been signed by the Secretary?—A. No; I think there is no written authority to that effect, no authority of law. Custom is the only authority.

Q. Do you say it is customary to alter warrants?—A. No; I say custom would be the only authority.

Q. Have you ever altered a warrant?—A. I presume I have; but I do not know. If I ever did alter a warrant, it was with the authority of

the officer who signed it. I never altered a warrant without the authority of the Secretary of the Treasury to do it.

Q. If the Secretary of the Treasury was there to give you authority, could you not make a new warrant?—A. A new warrant could have been made to take the place of the old one.

Q. Would not that have been the proper way?—A. I think it would have been much the best way.

Q. Would you, as chief of the Warrant Division, have sent an appropriation warrant, for example, to the Secretary of the Treasury with erasures on it?—A. An appropriation warrant would not necessarily be altered, and probably never was altered. It would hardly ever be necessary to alter appropriation warrants, because they are based on the acts of Congress appropriating money.

Q. Suppose it is a permanent or indefinite warrant?—A. That would not be altered in any material matter; if it was altered in figures or language, or anything of that kind, the Comptroller would refuse to sign it, and the register would refuse to record it, if there was an alteration or an erasure on it that was not self-evidently proper.

Q. Would you, as chief of the Warrant Division, knowing there was an apparent alteration of a figure upon a warrant, cause a new warrant to be made, or would you send that to the Secretary to be signed?—A. I should, probably, send the altered warrant to be signed; I do not know what the Secretary would do; if the alteration was an immaterial one, I do not think I would require the whole thing to be written over; I have frequently seen times when I had to work twenty-four hours out of the twenty-four, and had no time for casuistry.

Q. You spoke of transpositions of figures and one thing and another in the reports; would such things change the total amount of the debt or of the expenditures in any instance that you found?—A. That I cannot say; they would probably explain items of difference.

By Mr. DAWES:

Q. Suppose a clerk who makes a draft of a warrant finds when he has done that he has written a word that he did not mean to write, what is the natural course pursued in the department? It may be a warrant covering an amount in the Treasury or authorizing a payment out. While he is in the act of writing out the warrant he writes by mistake a word that he did not mean to write, does he erase it and write another in its place, or is he required to make a new draft?—A. The rule in force when I was here was never to allow an alteration of that kind to appear upon an original paper. I always made it a rule to require the clerks to tear up the paper in which the error was and substitute a new one, where it was a warrant; but, where it was a draft, it was very different. If an error was made in a draft, that draft had to be accounted for, because it became money.

Q. Clerical errors were not corrected by erasing the word and inserting the proper one?—A. Not ordinarily.

Q. Do you say they were never?—A. I would not say they were never made so.

Q. Clerical errors in entries upon books so made are often corrected?—A. They must be corrected.

Q. Mr. Davis has called your attention to the statement of the public debt in 1862 by the Register, and also the statement of the public debt in 1862, made by the Secretary several years after, and has called your attention to the difference between those two statements made by two officers at different times as being a little over \$9,000,000. Are you



able to state how that difference arose?—A. I could not state exactly how it arose; that is to say, I could not give you the details of that difference, but the probabilities are that the item is largely made up of uncovered amounts in the Receipts and Expenditures account.

Q. Amounts that were not covered in when the Register made his statement?—A. At the date the Secretary's statement purports to be for. They may have been covered in when the statement was made, but they do not appear in the books and accounts for the period covered by the date at which the statement of the debt appears to have been made.

Q. You mean to say that there were items brought into the debt statement of 1862, made by the Secretary at a subsequent time, which were not in the statement as made by the Register at the time he made it?—A. No, sir; I do not mean that; I simply mean this—

Q. Take those two statements and give us all the information you can as to why the Secretary's statement made at a subsequent period differs from the Register's statement made at a former period.—A. The statement of the public debt by the Register of the Treasury is made from the account of Issues and Redemptions of notes and bonds without any reference whatever to the cash transactions of the government. That statement is the Issues and Redemptions up to the hour at which it is made. The statement of the public debt as made in the Secretary's report of 1871 is the statement of the debt as made from the books showing the Receipts and Expenditures for each fiscal year; and the difference between the two statements is largely, if not wholly, accounted for by the outstanding and uncovered (as they are technically called) amounts which had been deposited in the Treasury as subscriptions for loans and upon which bonds had been issued to subscribers, and which money had not been covered into the Treasury as a receipt, and, therefore, did not appear upon the books and accounts of the department relating to receipts for the period covered.

Q. When you say, therefore, that both statements are correct, what do you mean?—A. I mean simply that they are susceptible of explanation; they are susceptible of being brought together by a detailed explanation that the books of the department will enable a competent person to make—

Q. Is each correct according to the method taken by each to state the public debt?—A. Each is correct according to the method upon which each proceeds, and the data from which each office derived its information. The only difference is the variation in data and method.

Q. Is the same true of each of the other discrepancies to which Mr. Davis has called your attention?—A. The same statement is true of every discrepancy that has been called to my attention. They are not discrepancies that affect the accuracy of the accounts or the integrity of the officers of the government. They are simply discrepancies that grew out of the methods of doing business and keeping the accounts.

By Mr. INGALLS:

Q. During your connection with the Treasury Department, from 1861 to 1873, did you ever know of any fraudulent transactions by which any wrong was practiced upon the government, or of any loss suffered by the fraudulent or improper issue of bonds or otherwise?—A. I have never known of an instance in which any transaction in relation to the public accounts or public moneys has lost the government a cent of money by fraud or collusion or alteration or erroneous issue of warrants or any other thing, except thefts of money entrusted to clerks, or, in

one instance, the forgery of requisitions by a man by the name of Cooper.

Q. During the examination that you made of the books and accounts of the Treasury Department, did you ever discover any evidence whatever of any fraudulent alteration, erasure, change, or substitution by clerks or officers of the department?—A. I never; not even in one single instance.

Q. I will again call your attention to table F, which appears first on page 12 of the printed evidence, reappears on pages 23, 24, and 25, and is alluded to on pages 56 and 57. The chairman of the committee examined the statements of the public debt for the years 1869 and 1870, where in the former case the difference appears to be \$99,000,000 in round numbers, and in the latter \$94,000,000 in round numbers. State, if you can, from what that apparent discrepancy arose.—A. That I cannot do without an examination of the books of the department.

Q. Do you know William Guilford?—A. Yes.

Q. Did you know him at the time when these statements were made?—A. I did.

Q. In what capacity was he acting at that time?—A. He was a clerk in the Treasury Department, and examined all the corrections I made in the debt statement, and found them to be as I alleged they were.

Q. Do you remember in whose charge the public-debt statements of 1869 and 1870 were at the period to which I have called your attention? Who was the head of the division having that subject in charge?—A. I cannot be positive, but I think it was Mr. John P. Bigelow in the Secretary's office, and a Mr. Jennison, in the Register's office. I may not be correct.

Q. Are you able to say from recollection, after I have called your attention to these facts, whether those discrepancies did or did not result from the fact that the clerk who made the compilation included the items of cash in the Treasury and interest upon the public debt, which should not have so appeared?—A. An examination of the books would show that very clearly; but I am not able to state the fact from recollection.

Q. You are not able to say whether or not that statement included, in addition to the debt, the interest and excluded the cash in the Treasury?—A. I presume it did, but I am not able to state the fact as of my own knowledge.

Q. In case of an error or an erroneous statement being made in any given year, would that item reappear in every successive year thereafter?—A. Not necessarily. It would depend on how the subsequent statements were made. If the subsequent statements were made in the manner in which the published statements were made from 1862 to 1869, they would reappear every year.

Q. Examine the table to which I have called your attention, and state what the aggregate of increase of the Secretary's statement as compared with the Register's appears to be?—A. \$332,843,895.54 is the aggregate of increase.

Q. What is the aggregate of decrease?—A. The aggregate decrease is \$85,076, 553.88.

Q. Making the apparent difference, what?—A. Making the apparent difference \$247,767,341.66.

Q. Now, state to the committee whether under any circumstances that ever did exist there ever was any such difference as that, or whether that apparent aggregate is not delusive and false and deceptive?—A. It is absurd in the last degree. It is self-evidently absurd.

Q. Why?—A. It is the difference between the sum of a running in-

crease and the sum of a running decrease carried along from year to year, and repeated over, and over, and over again.

Q. Reappearing in successive years?—A. Reappearing in successive years, and changing constantly from one side of the account to the other. The proper resulting difference is the difference stated at the end, \$94,313,827.07. That is the item to be explained. A difference in an account of \$27 in one year, and the same not being corrected repeats itself in the next year, and then a difference in the next year of \$3 would make a total difference of \$30. Add the two together, and it would be \$57, whereas the real difference is \$30. That is perfectly evident.

By Mr. BECK:

Q. You made one pretty sweeping statement, if I understood you correctly. Shall I understand you to say that you here testify that from the time you came into the Treasury Department in 1861, till you left it in 1873, there was neither fraud nor anything wrong perpetrated in this department?—A. By no means.

Q. Tell us what you meant to say?—A. I simply said that I never in my experience in this department, extending from 1861 to 1873, knew the government to lose one cent of money as the result of fraudulent alterations, erasures, changes, or what not, in the accounts or books of the department.

Q. That is a different thing. I was about to call your attention to a very valuable report made March 3, 1869, by Senator Edmunds and Representative Halsey from the joint committee on retrenchment, in which there were plenty of things stated.—A. Mr. Ingalls's question was as to alterations in the books and papers, substitutions, changes, and erasures. It has often been a great marvel to me that things of the kind have not been attempted. The only time I ever knew of an attempt to get money out of the Treasury Department by alterations of warrants or requisitions was in the case of a man named Cooper, who was afterwards sent to the penitentiary for the transaction, and who has recently reappeared in London in a forgery case. He forged the signature of an officer on board a ship to a requisition in favor of Paymaster Pangborn, for \$75,000, I think, and that requisition went to the Navy Department, and upon that requisition the Secretary of the Navy issued his requisition on the Treasury Department for the money in the proper form and usual manner, and the whole transaction passed through the Treasury Department, and never would have been discovered—because strangely, as it happened, Pangborn died very shortly after the transaction—if it had not been for a suspicion of mine that this man Cooper was doing something wrong, and a detective was sent to follow him to Baltimore, who saw him take the draft out of the post-office there—a draft which was properly issued. The whole transaction was perfectly legitimate and proper, except in its inception, a forgery in its inception, and a forgery of the indorsement on the draft, and a representation at the bank by a man in naval uniform that he was Paymaster Pangborn. That is the only instance I know of in which even a forgery was attempted to obtain moneys out of the Treasury through the warrants.

Q. Your investigations in relation to the true mode of statement, whether from Issues and Redemptions, or Receipts and Expenditures, was substantially limited to the public debt?—A. My personal investigation?

Q. You never went into any detailed examination as to the accuracy with which the general dealings were kept, the dealings with the War

Department, the Navy Department, the Interior Department, or any of those other departments or the expenditures made by them?—A. Never prior to my becoming chief of that office. Subsequently, when I became chief of the Warrant Office, I made it a rule to have every clerk compare his books at the end of every month with every office that kept books that corresponded with his, including the books of the executive officers as well as of the accounting officers.

Q. Prior to that time you had found a great deal of difficulty, had you not, in the management of their accounts, for instance, where they were charged with a large appropriation and had not expended it, and were going on using it from year to year, which resulted in the changes Mr. Dawes made for you in July, 1870?—A. Yes, sir.

Q. The public-debt statement was the one that you have been speaking of—was the one you made the personal examination of?—A. The public-debt accounts were the only ones I made personal examination of.

By the CHAIRMAN:

Q. Do you know of any reason why the departments' books should not agree with one another as to the amounts of money received and expended? Take the Interior or War or Navy Department; is there any reason why their books should not show the amount of money received from the Treasury Department and the amount returned to it as repayments?—A. No, sir; they ought to agree every time. Taking a series of years the difference would only be the outstanding in the last year, whatever that was. The difference would be the outstanding warrants as between the Treasurer and the Secretary of the Treasury, the outstanding requisitions as between the Secretary of the Treasury and the Secretary of any of the other departments, and the outstanding requisitions as between the Secretary of any of the other departments and his subordinates who had a right to call upon him for money.

Q. There might be the difference of the outstanding warrants?—A. That is all the difference there would be.

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THOMAS J. SULLIVAN sworn and examined.

By the CHAIRMAN:

Question. State what your occupation is.—Answer. I am the accountant of the Bureau of Engraving and Printing of the Treasury Department.

Q. State to the committee, as briefly as you can to have all the facts known, the manner in which you receive paper upon which national bank notes are printed, and how you deliver them to the Comptroller of the Currency.—A. The system in operation is about as follows: We receive orders from the Comptroller of the Currency to print first the black impression on the back of the bank notes. When we receive the order, a certified copy of that order is sent to the custodian of the plates and to the custodian of the paper in the Secretary's office, known as the paper clerk. We are not allowed to draw the plates until the custodian of the plates receives this certified copy of the order, nor are we allowed to draw the paper on which they are printed until the custodian of the paper receives his copy. As soon as they receive the copy we make a requisition upon the paper clerk, stating the number of sheets that we require, the number of notes that are to be printed on those sheets, and the denomination of the notes to be printed. On that requisition

we receive the distinctive paper. It is sent up on the elevator from the rooms in which it is held in the basement of the Treasury Department to our room, in which it is prepared for printing on the upper floor. The superintendent of the division, who prepares it for the printer, has a corps of counters, who count and verify the paper received by him on the requisition which he has made. When he finds it to be correct, he initials the requisition, and sends it to my office for entry. It is then entered in a book known as the "Record of receipts by the Bureau of Engraving and Printing." The clerk who enters it, after she has examined and entered it, places her initials on it, and sends it to my desk. I examine it, and see that the proper entries are made, and send it to the assistant chief of the bureau, who certifies to its entry in the bureau, and the requisition is then returned to the paper clerk, and held as a voucher for the delivery of that paper. The bureau makes a report to the Secretary of the paper received each day, carrying forward the aggregates from day to-day, so that any day's report will show the aggregate received to and including that day.

By Mr. BECK:

Q. The aggregate for how long?—A. Since the commencement of the series, since the first sheet of paper for it was delivered. Now we have the paper and it remains for us to get the plates necessary to print it. It takes about three days to prepare the paper for the printer. At the end of that time the superintendent of the printing division makes a requisition, stating the plates that he wants, the number of notes on a plate, and the denomination; that goes to the custodian of the plates. If there is an order to our credit on the books, we are given the plates, and they are brought to the printing division and issued to the printer. When he receives his plate he receives also a memorandum of the job on which he is to work; that memorandum he takes to the superintendent of the wetting division—that is the division that prepares the paper; he presents that requisition and is given the number of sheets that he thinks he can print during that day; as soon as he receives the paper he is required to count it and to sign a certificate that he has counted it and that it contains so many sheets of paper for the purpose of printing such a denomination of bank notes; his assistant, who is usually a girl, is required to give a certificate that she saw him count his paper. Those certificates go to the superintendent of the division that is responsible for the paper and are held as vouchers for the delivery to the printer. He is then allowed to go to his press and he proceeds with his printing. There is an automatic register on his press. At the close of the day when he has done his work, he is required to make a memorandum showing the character of the work he has been engaged on, the number of sheets he received in the morning, the number of sheets that he was unable to print and which he returned to the division that he received them from, and the remainder or the number of sheets which he has printed. That memorandum goes with the last package of work that he sends in, and it follows the package to the entry-clerk in the printing division and from there to the entry-clerk in the examining division. By the last entry-clerk the memoranda is taken and compared with her entry to his credit. If it corresponds in every respect she initials it and passes it to another clerk who has charge of a report from the wetting division as the number of sheets which that division delivered to the printers and the number of sheets which they returned, and the number of sheets which they are charged with upon the books of the division. If the number of impressions which

the printer says he printed corresponds with the number of impressions which are charged to him on this report, the last clerk initials it, and it goes back to the superintendent of the printing division.

By this time the man has washed himself up, and is ready to go out, and he presents himself to the superintendent of his division and gets this memorandum, which is considered to be a pass. He presents the memorandum to the watchman at the gate and is allowed to pass out, and of course his account is settled then for the day. He is allowed to go out, because we have a guarantee that his account is balanced; that he has returned to the bureau every sheet that he received. If there should be any discrepancy in his account; if he should have made a mistake in counting in the morning and received one sheet short or one sheet over, as the case might be; if he printed that sheet over it would be indicated on the register. These registers are in charge of a clerk designated for that purpose. He has so many registers under his control. When the men get through he goes to the register, unlocks it, and takes the state of the register. It is the duty of the printer to call to him the number of impressions which he has printed that day. He looks at the register; if the call of the printer agrees with his register he says it is all right; if it does not agree with his register he tells him there is a discrepancy, and the printer then understands that he must go to his superintendent and report that there is a discrepancy. Then, at the close of the day, before the Bureau is dismissed, the entry clerk in the printing division, and the entry clerk in the examining division, where the work is last received and counted and put away, meet the entry clerk in the wetting division, and the register clerk, and they all call the work. As the name is reached on the register list, the clerk in charge of the wetting division book calls the amount that he is charged with, and the others compare and check, and, as each is checked, they say, "correct," and so on until the entire list is called.

Q. Suppose there is a note blotted or blurred or in some way injured ?—

A. I have described now the way in which we receive the paper, and the way we pass it to the printer to be printed. On national-bank notes there are three plate printings—the black impression on the back, the green impression on the back, and the black impression on the face. We pass the notes through these several printings in the manner I have described, and when we have finished the notes and are ready to deliver them to the Comptroller of the Currency, we send to him the exact number of impressions which he has ordered, and in most instances it is 500, 600, or 1,000 sheets of four notes each; but whatever the number of the orders, we send him the exact number of perfect sheets. In passing through these various processes there is more or less spoilage, and the Bureau fixes the rate at 5 per cent. In drawing the paper from the Secretary's office we draw 5 per cent. for the purpose of spoilage. So we deliver all the perfect notes to the Comptroller of the Currency, and make a report to the Secretary of a delivery to him from day to day, bringing forward the aggregates so that each report will show the aggregate delivery of any series to and including that day, and we deliver the spoiled impressions to the Secretary's office, the currency branch of the Loan Division, and we also report the mutilated or spoiled delivered in the same way; and the aggregate of the perfect and the spoiled impressions make the aggregate deliveries, and the aggregate deliveries subtracted from the aggregate receipts show on the daily reports the number of sheets which the Bureau is responsible for on any given day. The reports also show the division in which these sheets are located, so that at any time the Secretary desires to verify the reports of the Bureau

he can send his committee there and take these reports and go to this division, count the number of sheets indicated and check it, and so on through the list until he has checked the entire report.

By Mr. DAWES:

Q. You have mentioned the account of the paper from the receipt of it in the Treasury. Can you go back to the manufactory and trace it? Have you knowledge of where the accounting process begins?—A. Yes, sir. Formerly the Bureau had control of the ordering of the paper and they ordered the paper from the manufacturers. The manufacturers, on the order of the Chief of the Bureau, made the paper and turned it over to the agent of the department located at the mills. He had a corps of counters, and counted the paper as it was delivered to him, and gave his receipts for it, and made his reports to the department; and upon the basis of his reports the payments for the paper were made, so that they had a continuous history of the paper from its manufacture until its delivery as perfect money. But I never thought that was correct. I always thought the paper should be outside of the control of the Bureau, and during the last two years it has been so transferred, so that now we order no paper and have no connection whatever with the manufacture of paper.

Q. Do you know how it is that the government protects itself against fraudulent manufacture?—A. At the mills of Wilcox & Co. who made the distinctive fiber paper they had registers similar to the automatic registers on our presses, which recorded the paper as it came off; but I know nothing as to the operation of those registers or how they got along. I think now they have those same registers on the mills at Dalton, where the present paper is made, but I do not know anything about that of my own knowledge.

Q. They have some means by which they protect themselves against any fraud at that point?—A. Yes, sir; these registers if they were properly made and carefully watched would protect the government thoroughly at that point.

By the CHAIRMAN:

Q. You stated in answer to Senator Dawes that formerly the bureau ordered the paper direct from the mill; when was a change made in that respect?—A. I think the last paper ordered by the Bureau was in 1877. Then there was a very large stock of paper on hand and we required no distinctive paper for notes until recently, and all the recent orders have been given for the new paper, and I think sometime last fall the Chief of the Bureau in submitting his estimates for the year 1880, called the attention of the Secretary to the fact that the paper should be ordered by his office and entirely under his control, and he repeated that recommendation in submitting his estimates for the year 1881.

Q. Repeated what recommendation?—A. That the paper should be entirely under the control of the Secretary's office.

Q. That is so now, is it not?—A. It is. It is recognized now by all the officers.

Q. How long have you been in the Printing Bureau?—A. Ten years.

Q. During that time up to 1877, the Bureau ordered the paper directly from the mills?—A. Yes, sir.

Q. Did it order at the Chief's direction, such amounts as he chose?—A. Yes, sir; but even at that time the custody of the paper, was not in the Bureau; it was outside. Although they had the control of the ordering of it, yet the custody was just as it is at present.

Q. The custody was where?—A. In the Secretary's office with this paper clerk.

Q. How did you get it from the Secretary's office?—A. By requisition just as we do now.

Q. Did the paper-mill ever deliver direct to your Bureau?—A. Not since my connection with the Bureau.

Q. You know nothing of the checks at the mill to prevent more than is ordered, being manufactured, do you?—A. Nothing definite at all. I knew that they had these automatic registers placed on the paper machines at the mill as a protection against the over-making of the paper, and I think that was successful.

Q. Do you know that of your own knowledge, or did you hear it?—A. Merely from my contact with the business of the bureau. I understood that it was working correctly and registering accurately. It was my understanding.

Q. You stated that about five per cent. of the paper received for printing was returned as imperfect, and was delivered to the currency branch of the Loan Division?—A. Yes, sir.

Q. Imperfect sheets?—A. Yes, sir.

Q. Why are they delivered there for that purpose?—A. That is the office designated by the Secretary to receive from us the imperfect impressions and to balance our accounts.

Q. Is that the office from which you receive your paper?—A. Practically it is, although it is located in a different part of the building and, in a measure, outside the division.

Q. What do you mean by a different part of the building?—A. The currency branch of the Loan Division is on this floor where your committee sits, near the west entrance, and is under the charge of Mr. C. H. Brown. In that division they receive the parts of the notes that have been redeemed and sent to the Secretary's office for destruction by maceration, and they also receive from us this imperfect work, whereas the clerk of that branch, who has particular charge of the paper, is located in the cellar near the northeast corner.

Q. But both belong to the Loan Division, as I understand?—A. Yes, sir.

Q. Which comes under Mr. Fletcher?—A. Yes, sir.

Q. How near ready for circulation is the note when you deliver it to the Comptroller of the Currency?—A. It lacks only the signature of the bank officers.

Q. How is it with legal-tenders? Do the legal-tenders go through the same process you have described as to bank-notes; and do the bonds also?—A. Substantially the same; there are differences of detail, and perfect legal-tenders are delivered to the Treasurer of the United States.

Q. I understand that the legal tender-note, the greenback as it is commonly called, is perfect and ready for circulation when you deliver it to the Treasurer and take a receipt for it?—A. Yes, sir; just as you handle the legal-tender notes when they are in circulation.

Q. Who makes the demand on your office for the amount that is wanted of legal-tender notes?—A. The Treasurer of the United States.

Q. The Treasurer orders, and you fill his order and take his receipt?—A. Yes, sir.

Q. The Register's name is on them, is it not?—A. Yes, sir; it is.

Q. Do the notes go through the Register's office before being delivered to the Treasurer?—A. No, sir.



Q. They are delivered directly from your office to the Treasurer ?—A. Yes, sir.

Q. And you take the Treasurer's receipt ?—A. Yes, sir.

Q. How is it with bonds ?—A. In the case of bonds, the order comes from the Secretary of the Treasury ; and bonds for registry under all the old acts are delivered to the Register of the Treasury complete. Bonds of the  $4\frac{1}{2}$  and 4 per cent. loans are delivered to the Loan Division of the Secretary's office.

Q. What becomes of the imperfect bonds ?—A. All imperfect work goes to the currency branch of the Loan Division.

Q. Then you send the perfect and imperfect, as far as bonds are concerned, of the new loans, to the Loan Division ?—A. To different branches of the Loan Division.

Q. How near perfect is the bond when you deliver it ; how near ready for sale or delivery to the parties who may buy ?—A. In the case of the old acts the bond is ready to be filled and have the signatures of the proper officers placed upon it. In the case of the four-and-a-halves and fours, it requires the printing of a device in the Loan Division.

Q. And stamping ?—A. The stamping and printing of a special device in the Loan Division.

Q. Then, as to bonds, I understand they are perfect as to the old loans when they leave your bureau, all except the signatures ?—A. And the filling in.

Q. Of dates and amounts ?—A. The date and amount, and the name of the holder.

Q. And as to the new bonds, the four-and-a-halves and fours, you deliver them to the Loan Division, and there has yet to go a stamp upon them before they are completed ?—A. Yes, sir.

Q. Now, as to the bonds printed by your bureau, are they numbered by you or by the parties to whom you deliver them ?—A. They are numbered by the Bureau of Engraving and Printing.

Q. Are they numbered consecutively in each class ?—A. Yes, sir. Each class and denomination commences at one and runs in continuous series upward.

Q. Then a \$50 bond and a \$100 bond might be of the same number ?—A. Yes, sir.

Q. And so on of any other denominations ?—A. Yes, sir.

Q. A \$5,000 bond might be of the same number as a \$500 bond ?—A. Yes, sir.

Q. I understand you to say that you receive the paper for a bond from the Loan Division, and you deliver the perfect bonds and the imperfect bonds back to the same division ?—A. Yes, sir.

Q. And take their receipts, I suppose, in both cases ?—A. We take their receipts.

By Mr. INGALLS :

Q. Where did you say this paper was manufactured ?—A. Formerly the distinctive fiber paper was manufactured at Glen Mills, Pennsylvania, and the threaded paper that has been recently adopted is made at Dalton, Mass.

Q. By whom ?—A. By Crane & Co. at present.

Q. Under a contract with the bureau ?—A. Under a contract with the Secretary of the Treasury.

Q. And what safeguard is there against their manufacturing more of this kind of paper than is delivered to the government ?—A. The Secretary has an agent at the mill with a corps of counters, and they have these automatic registers attached to the machine that makes the paper.

Q. How is the paper transmitted to the Treasury?—A. By Adams Express Company.

Q. Is a large amount of it kept on hand at any given time?—A. Yes, sir; a considerable quantity in the department here, necessarily.

Q. How frequently is it received from the manufacturers?—A. I think about every other day.

Q. Under guard here all the time?—A. It is under guard here all the time.

By Mr. BECK:

Q. Is all the printing done in your bureau now?—A. All the printing; yes, sir; except on the postage stamps and the proprietary and documentary stamps for the internal revenue.

Q. Where are they in part printed?—A. They are printed entirely in New York City, by a bank-note company, by contract.

By the CHAIRMAN:

Q. I omitted to ask you about revenue stamps, whether you printed those and delivered them perfect in the same way, taking the receipt of the Internal Revenue Bureau?—A. Yes, sir; in the same way. We deliver the perfect stamps to the Commissioner of Internal Revenue, and take his receipt for them, and the imperfect to the currency branch of the Loan Division.

The chairman laid before the committee the following letter from the acting chief of the Warrant Division:

TREASURY DEPARTMENT,  
January 31, 1880.

Hon. H. G. DAVIS,

*Chairman Committee Investigating Treasury Books and Accounts:*

SIR: In compliance with your verbal request, I have the honor to append hereto a list of officers connected with the department who have given bond to the United States for the faithful performance of their official duties, with the penalty thereto attached in each case.

Very respectfully, your obedient servant,

W. F. MACLENNAN,  
*Acting Chief of Warrant Division.*

James Gilfillan, Treasurer of the United States.....	\$150,000 00
John Jay Knox, Comptroller of the Currency.....	100,000 00
J. W. Langworthy, Deputy Comptroller of the Currency.....	50,000 00
J. W. Porter, disbursing agent, Coast Survey.....	30,000 00
Thomas J. Hobbs, disbursing clerk.....	30,000 00
Bushrod Birch, disbursing clerk.....	10,000 00
E. Collamer, disbursing clerk, Register's Office.....	10,000 00
Z. Ellis, disbursing clerk, 6th Auditor's Office.....	10,000 00
J. H. Robinson, Assistant Solicitor, disbursing agent.....	10,000 00

The CHAIRMAN laid before the committee the following letter, addressed by him to the Secretary of the Treasury on the 9th instant:

COMMITTEE ON TREASURY BOOKS AND ACCOUNTS,  
January 9, 1880.

Hon. JOHN SHERMAN,

*Secretary of the Treasury:*

SIR: The Senate Committee on Treasury Books and Accounts will take testimony at their room, No. 65, in the Treasury building, at 10.30 o'clock a. m., to-morrow, the 10th instant, and hope to close the evidence on which to base their report.

I thought it proper to advise you of this fact, and invite you to be present, if you desire it. We have furnished you with all the evidence and exhibits heretofore taken. We will take, before we close, such evidence as you may think necessary to offer, our desire being to present all the facts fully to the Senate.

Very respectfully,

H. G. DAVIS,  
*Chairman.*

The CHAIRMAN. I will state to the committee that I have had no official response from the Secretary. Yesterday I called at the Secretary's office, but he and the chief clerk were both away. I told the Assistant Secretary and the clerk to the chief clerk to say that we would finish to-day, and told them if they had anything to say we should hear them. The Secretary, however, in a prior conversation with me, thought he had nothing further to say; but that was a few days ago. I notified the Assistant Secretary yesterday that I thought we should close to-day the taking of testimony.

MARCH 31, 1880.

WILLIAM GUILFORD recalled.

By the CHAIRMAN:

Question. I presume you have read your testimony as printed on page 26 of the testimony before this committee?—Answer. Yes, sir.

Q. A question was asked you whether or not the three items making up the \$6,293,827.79, mentioned in your former statement, were upon the books of the Register's office?—A. Not to my knowledge.

Q. Just explain to the committee what you meant in the testimony which you gave before the committee previously about the six million and odd dollars being added to the public debt?—A. They were added to the public debt in accordance with the letter of Mr. Saville, the chief clerk of the Treasury Department, to the Register, in order to harmonize the debt statements.

Q. Was that sum taken from the books or given to you as in a lump?—A. It was given me in the three separate items, as laid down in the Finance Report of 1871, in the note to page 11.

Q. You refer to the report of 1871. What year was it given to you in to add to the debt? Was it in 1870 or 1871?—A. I cannot recollect now, but I think it was 1871.

Q. Does it not appear in 1870?—A. Not that I am aware of.

Q. The Secretary's table of the debt statement as you now have it is in the report of 1870?—A. The Secretary's, but not the Register's. The Register's, I think, was changed in 1871. It did not appear there until 1871.

Q. Was not the Secretary's new table made up in 1870 and published in the report of 1870?—A. Yes, sir.

Q. Are the three items making this \$6,000,000 and upwards upon the Register's books or not?—A. They are not; and, what is more, none of those items are upon the books that go to make up the public debt as now stated. The public debt is a balance as now stated. We take the balance for one year, and we add the receipts on account of loans and deduct the expenditures on that account, and that makes another balance. We have no continuous account of the public debt that I am aware of.

Q. How is the public debt statement made up?—A. The statement of the public debt, as I make it up at present, is by first taking the balance of the public debt as standing the last year, then adding to it all receipts from loans, deducting from it all redemptions of loans, and that gives a balance which we call the public debt. That is as we make it up now.

Q. How was it made up formerly?—A. I cannot tell about that except from hearsay. It used to be made up from the books of issues and redemptions. It is now made up from the receipts on account of loans and the expenditures on account of loans.

Q. Then the three items referred to are not upon the books to your knowledge?—A. Two of them are not on the books of the Register.

Q. On any books?—A. Not to my knowledge on any books, with the exception of that \$1,000,000 item that appears upon the books as receipts from the sale of prize vessels to the Navy pension fund, and subsequently the 3 per cent. certificates were issued for it, and it then became public debt. Prior to that it was in the "miscellaneous receipts."

By Mr. WHYTE:

Q. And credited to the Navy pension fund?—A. Credited to the Navy pension fund.

By the CHAIRMAN:

Q. Is that a fund on the books of the Register or on the books of the Secretary?—A. On both books, I believe.

Q. Have you ever seen it?—A. Not that particular item. I have seen moneys credited to the Navy pension fund year after year and year after year from the sale of prize vessels until it amounted to quite a large credit, which was subsequently drawn on Navy pay warrant by Mr. Bridge. I think twelve and a half millions was drawn by a warrant against the Navy pension fund, and, as I understand, it was covered into the public debt by 3 per cent. certificates.

Q. Then you suppose it is there from the fact that you have seen entries; but do you know whether it is there or not?—A. I do not.

By Mr. DAWES:

Q. Read the question and answer which I now show, and tell me what the meaning is.—A. The question and answer here referred to are from my previous testimony, in these words:

Q. Now state why in the nature of things these items would not appear on the books of the Register.—A. They do appear upon the books, but not as classified in the public debt statement. They all appear on the books, but not as classified in the public debt statement. It does not change the total of the expenditures or receipts of the government one cent. It merely changes the method of classification.

That was my idea when I made that answer, and it is still my idea with the exception of the items of discount. That would not appear upon the books, because it was not received at all. If we have a loan of \$50,000,000 and we only receive \$40,000,000 for it, there being \$10,000,000 of discount, that would not appear upon the books.

Q. Then you still say that these three items are upon the books in the Treasury Department?—A. With the exception of matters of discount.

Q. But they are not on the Register's books classified as public debt?—A. Yes, sir.

Q. But they are on books kept in the Treasury Department.—A. Yes, sir.

Q. Under the same head or under a different head up to that time?—A. Under a different head, such as "miscellaneous."

Q. Under the "miscellaneous" head?—A. Yes, sir.

Q. They were, by direction of Mr. Saville, transferred from that "miscellaneous" head to the classification of public debt by you, were they?—A. Or *vice versa*.

Q. Was there any change made of figures upon your books?—A. None upon the books.

Q. Do you know whether there was any change of figures made upon any other books?—A. In order to harmonize these two statements, you mean?

Q. Yes, sir.—A. No, sir; there was no change made.

Q. No change at all?—A. None.

Q. What do you mean, then, by harmonizing the statements?—A. The new statement, as I understand it, was a classification from certain books. That classification may be changed by taking items from “miscellaneous” and putting them in the “public debt,” or *vice versa*. It would not necessarily change the books; it would merely change the statement.

Q. You say it would not necessarily change the books. Did it in fact change the books?—A. It did not in fact, to my knowledge.

Q. You have never known of any change of figures upon the books on account of this change in classification of the statement of the public debt?—A. No, sir; I have never known any.

Q. You have never known of a change of figures on the books?—A. No, sir.

Q. Do the books, so far as you know, stand precisely the same now as they did before this change in the classification of items in the statement of the public debt was made?—A. They do, so far as I know.

By Mr. WHYTE :

Q. Then I understand you that the tabulated statement which emanates from the Register's office is not actually made up from the books in the Register's office?—A. As it appears now?

Q. Yes.—A. It is made up as it appears now from the books in the Register's office.

Q. But when it was made up at the time referred to, when the \$6,000,000 was entered, was it made up from the books of the Register's office?—A. No, sir; it was made up from a consolidation of the books of the Register's and the Secretary's office in the two loan divisions.

Q. It was made up by running the two sets of books together?—A. Yes, sir.

Q. Instead of taking the Register's books as a check upon the Secretary's books?—A. I do not know about that.

Q. I am putting the question; that is the way I put it.—A. Well, yes, sir; they were made up from the books of issues and redemptions before. Now they are made up from the receipts as they actually appear from the Register's books, minus the redemptions as they actually appear upon the Register's books, taking for granted the balance of the year before as being correct, and so on backwards.

Q. Therefore, you start from the alteration made in 1870; that is the original starting point where you agreed with the Secretary?—A. In the statements.

Q. I mean that—the alteration in the statements. You take that sum total which you put in the Register's tabulated statement in 1871 as your starting point?—A. Yes, sir.

Q. Since then you have gone down taking year after year the last statement?—A. Yes, sir. To give an instance. I think it was last year I made up the public-debt statement from our books; we had previously disagreed with the Secretary \$250, and in making it up—I think it was last year or the year before, one of those years, it is immaterial which—this \$250 had increased to four hundred and odd dollars discrepancy. I went up to the warrant-room to see what the trouble was, and they told me there were certain items of interest which really ought to have been principal, and they had incorporated them in their public-debt statement, and, as I did not have those items, of course I disagreed four hundred and odd dollars. But they said it would be all right in the

next year, and so this year it has disappeared and the two exactly agree.

By Mr. BECK:

Q. In your note to page 11 of the Finance Report of 1871 you say that this statement is all made up "except the following items"?—A. Those "following items" are included in that statement.

Q. You say they all appear in your books except these?—A. In our books in 1871.

Q. So I understand it, "this statement is from warrants except the additions noted"?—A. Yes, in 1871.

Q. Where did you get these additions which you have noted?—A. These additions are the results of Mr. Ross Fish's investigation in regard to the public debt.

Q. Who furnished them to you?—A. I got them from this book.

Q. Which book?—A. The 1871 report.

Q. How did they get into that report?—A. I do not understand you.

Q. They are part of this report now, and noted in the report of 1871.—A. I had to take the public-debt statement of 1870, by order of the letter of Mr. Saville, as being correct.

Q. Did that letter of Mr. Saville order you to put in each of these items?—A. No, sir; it ordered me to make the statements harmonize, and I had to take that as being correct for 1870. Taking that amount for 1870, my books showed that we had received this amount (indicating) and that we had expended that amount (indicating). Then by adding this net amount to the other I reached this amount of the debt for 1871.

Q. So that in 1871 you added again, by a second order, this?—A. I added that in 1871. In 1870 we did not harmonize; we did not agree until 1871.

Q. I know that then the \$6,000,000 was given you in 1871, to be inserted in order to harmonize, by Mr. Saville.—A. I did not get any detail at all in 1870. I took the figures as being correct in 1870.

Q. As furnished you by the chief clerk?—A. Yes, sir; as being correct. Then I added the receipts and deducted the expenditures.

Q. And they came within \$3,274,051.69 of making a balance?—A. Yes, sir; which I added on.

Q. You added that on to make it balance, by whose order?—A. By the order of Mr. Saville.

Q. And then you made this note about the \$3,274,051.69?—A. This note is from the Secretary's office, not our office.

Q. Did you make any note corresponding with it to show the fact?—A. No, sir.

Q. You just added it as though it had appeared on your books?—A. I just added it; yes, sir; as if it appeared on the books.

Q. Without any explanation?—A. Without any explanation.

Q. Would you not call that forcing a balance? If you kept the official register, implying verity, was it telling the truth or was it not to put down \$3,274,051.69 on the word of somebody else without any explanation?—A. You can call it what you please; we clerks in the office obey orders.

Q. And the Register's books are made up, you think, properly when made up from orders from the Secretary?—A. This was not on the books at all. This was a statement.

Q. The statement that would have appeared from your own books varied from the statement as actually made by \$3,274,051.69?

Mr. DAWES. This does not purport to be from the books.

Mr. BECK. This does not, but that does (referring to a table in the Finance Report of 1871).

Mr. DAWES. It is a statement of the public debt, and it does not state where he got it. It gets the public debt from three or four places, it seems, and puts it altogether in the statement. Whether they told the truth or not depends on the character of the items that they used.

Mr. BECK. I think I can get at it. (To the witness.) Speaking in round numbers, without regard to fractions, the sum you started with was \$2,480,000,000?—A. Yes, sir.

By Mr. BECK:

Q. And you received during that year \$285,000,000?—A. Yes, sir.

Q. You paid out during that year \$393,000,000?—A. Yes, sir.

Q. Then your receipts and your payments would not have brought about the result you now have, by \$3,274,000?—A. Yes, sir.

Q. And in order to make your statement correspond with the Secretary's statement, you had to add, on the say-so of somebody else, \$3,274,051.69 that your own receipts and expenditures did not show?—A. Did not show because it existed in that previous balance. This \$3,274,051.69 is not the product of one year; it is the product of a series of years, bringing that balance; and as we were ordered to harmonize our statement, and they had made up the public-debt statement from a different basis altogether, we had to put that in to give us the correct balance for the year 1870.

By Mr. INGALLS:

Q. What does that \$3,274,051.69 discrepancy represent?—A. It represents, as I understand, in the first place a difference of classification, and in the second place the difference in statement between issues and redemptions and receipts and expenditures.

Q. You do not quite get my question. You say it is the aggregate of discrepancies running through a long series of years?—A. Yes, sir.

Q. And appearing in this statement in the sum of \$3,274,051.69. Now, what I want you to state clearly, if you can, is, what does that discrepancy represent, running through that long series of years?—A. The bulk of it represents the difference between stating the debt by issues and redemptions and by receipts and expenditures.

Q. Does it involve necessarily, or as a matter of fact, any improper use of the public funds by any officer of the government?—A. It does not.

Q. Does it in any way increase or diminish the liabilities or obligations of the government?—A. It does not.

Q. Did it result from errors or omissions or miscalculations on the part of any of the officers intrusted with the keeping of the accounts?—A. Partly so, as I understand.

Q. In what part?—A. In charging a thing to a loan which ought not to have been charged, or in not charging to the bonded debt things which should have been charged.

Q. I wish you to explain that a little more clearly?—A. For instance, take the Texan indemnity fund. It was not formerly considered a portion of the public debt.

Q. Who had the decision of the question, whether it was or was not a part of the public debt?—A. Mr. Ross Fish had the ultimate decision which affected this table.

Q. How was that authority vested in him?—A. By the Secretary.

By Mr. BECK:

Q. Which Secretary?—A. Mr. George S. Boutwell.

By Mr. INGALLS:

Q. You have mentioned about the Texas indemnity. You say there was a difference of opinion between Mr. Fish and some other officer of the government as to whether that should or should not be stated as an element of the public debt?—A. Not some present officer, but some of the predecessors who had not incorporated it in the public debt.

Q. The decision of that question involved no turpitude?—A. No, sir.

Q. It involved no misappropriation or wrongful expenditure of the public funds?—A. No, sir; not a cent.

Q. It was merely a question of judgment?—A. That is all.

Q. Judgment as to whether this particular item should or should not be stated as a part of the public debt of the United States?—A. Yes, sir; that is it.

By Mr. DAWES:

Q. Allow me to inquire whether the question involved anything more than what name should be given to this particular transaction, whether it should be called a part of the public debt or called something else. Did it involve anything more than that?—A. No, sir; it did not.

By Mr. INGALLS:

Q. Then if any subsequent Secretary should come to a different conclusion from an examination of the law, and should decide to state these items in some other way than that in which they had previously appeared, it would merely be a question of judgment and not of official misconduct, would it not?—A. That is my opinion.

Q. That is your understanding of it?—A. Yes, sir.

Q. You have given us an item in reference to the Texan indemnity bonds. What other items were included in the aggregate that appeared in the statement of 1871?—A. I am not perfectly familiar with this statement. I merely spoke from general knowledge. There are a few other items. I think the Oregon war debt was one. I think the bounty land scrip was another, that was either excluded or included, but that was stated differently from what it had been previously stated. But those items did not amount to a great deal either one way or the other, taking them or leaving them. They were not very heavy items either of them. I merely mention them as they were some of the causes of the change. The principal cause of the change was the difference of statement between Issues and Redemptions and Receipts and Expenditures, with the exception of the \$200,000,000 blunder, which I believe you understand.

Q. That has been fully explained, I think?—A. Yes, sir; I believe there was another thing which was incorporated in, if I remember aright, and that was the Pacific Railway debt, which made some fifty odd million dollars difference.

Q. Was there not also an item of a thousand dollars contributed by some patriotic gentleman for the purpose of extinguishing the public debt?—A. Yes, sir; which had been classified as "Miscellaneous."

Q. Did not that return like Banquo's ghost, in a good many different ways, to bother the souls of the officials having the matter in charge?—A. The classifiers, yes, sir.

Q. And the question was whether it should be placed in one account or in another account?—A. One column or another.



By the CHAIRMAN:

Q. Ought the changes that you have spoken of, no matter what they referred to, to have changed the total of the public debt? I do not refer to the items now, but the total of the public debt.

Mr. DAWES. Do you mean the total of the public debt or the total of the statement?

The CHAIRMAN. I mean the total of any particular year as made up in the statement.

Mr. DAWES. You mean the total of the statement of the public debt?

The CHAIRMAN. I mean just what I say.

The WITNESS. Of course it ought not to have changed the total of the public debt. As I understand the public debt, it is everything the government owes. The government may owe \$100,000,000 of bonded debt and \$100,000,000 of miscellaneous debt. Now if you say that \$50,000,000 of the miscellaneous debt is bonded debt and ought to go into the bonded debt, of course it would change the amount of the public debt, but still it would not increase the total amount of the obligations of the government.

Q. (By the CHAIRMAN.) The statement I hand you was made up by you in your office, I believe? (Exhibiting to the witness the tabular statement on page 28 of the testimony.)—A. (Examining.) Yes, sir; it was.

Q. You have in a column headed "Amounts to be added to receipts" three items aggregating \$6,293,827.79?—A. Yes, sir.

Q. Were those taken from your books, or were they added by order of the chief clerk or Secretary?—A. They were added in accordance with the order of the chief clerk, to make our statement harmonize with that of the Secretary. They do not appear upon our books.

Q. Do those amounts appear upon the books to your knowledge?—A. Not to my knowledge.

By Mr. DAWES:

Q. Have you any knowledge that they do not appear on other books?—A. I have not.

Q. When you say not to your knowledge, do you mean to say you do not know whether they do or not?—A. I do not know whether they do or not.

By Mr. INGALLS:

Q. In the statements of the amounts received from loans and paid on account of loans during the year 1861, there appears in the column of "Amounts to be added to receipts" the sum of \$2,019,776.10, which appears by note *b*, at the foot of page 28 of the printed testimony, to be "discount on bonds, act February 8, 1861." Do you know, as a matter of fact, whether or not that item had an actual existence on the books of the Treasury Department, and that that was discount on those loans?—A. No, sir; I do not.

Q. You do not know anything about that?—A. No, sir.

Q. In the same statement for the year 1868 appears, in the column of "Amounts to be added to receipts," an item of \$1,000,000, which appears by note *c*, at the bottom of the page, to be the "Navy pension fund." Do you know anything about whether that appears on the books of the department anywhere?—A. I do not.

Q. In the same statement for the year 1871, in the column of "Amounts to be added to receipts," appears an item of \$3,274,051.69, which is explained in note *d* to be a "difference." (See Finance Report 1871, p. 11.)

Do you know anything about whether those items appear on the books of the Treasury in any place or not?—A. I do not.

Q. You know nothing about it one way or the other?—A. No, sir.

Q. Have you ever examined to see whether they do stand or appear on any of the books of the Treasury?—A. No, sir, I have not. It was not part of my duty.

Mr. INGALLS. So I understand.

By the CHAIRMAN :

Q. The only existence that those three amounts have to your knowledge is that you were ordered to put them there to make the accounts harmonize?—A. That is so.



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### ERRATA.

Page 57, next to the last column footing should be \$247,766,674.71.

Page 152, footing of second column in last table should be \$330,981,109.65.

Page 154, eighth line from bottom, "prepare" should be "compare."

16 TREAS





IN THE SENATE OF THE UNITED STATES.

APRIL 29, 1880.—Ordered to be printed.

Mr. BOOTH, from the Committee on Patents, submitted the following

REPORT:

[To accompany bill S. 960.]

*The Committee on Patents, to whom was referred the bill (S. 960) for the relief of Marietta Mattison, have had the same under consideration, and submit the following report:*

On the 9th of March, 1858, letters patent were issued to Judson Mattison for improvements in machinery for packing flour, which was extended seven years from the 9th of March, 1872. The bill proposes to authorize the Commissioner of Patents to hear and determine the application of Mrs. Marietta Mattison, widow of Judson Mattison, deceased, for herself and the legal heirs of Judson Mattison, for the extension of said letters patent for the further term of seven years.

Seventeen *ex parte* affidavits by practical millers, packers, and mechanics have been submitted to the committee to prove the novelty and utility of the invention, in which the affiants estimate the saving of labor by the invention at from fifty to seventy-five per cent., and the value of the extension sought from \$6,000 to \$10,000.

The memorial of Mrs. Marietta Mattison shows that her husband, the inventor, died in 1874, leaving her his widow and one son, a minor, and that the profits derived from the patent have been \$32,218.65.

The committee are of opinion that no patent should be extended after a life of 21 years, unless it is a marked exception to general rules; and that the reasons relied upon for this extension—that the general depression of business from 1872 to 1879 prevented the inventor and his widow from receiving the full value of the patent, and that the profits arising from the patent have been largely exhausted in settling demands against the estate of the patentee—are insufficient.

The committee recommend that the bill be indefinitely postponed.



IN THE SENATE OF THE UNITED STATES.

APRIL 29, 1880.—Ordered to be printed.

Mr. ANTHONY, from the Committee on Naval Affairs, submitted the following

R E P O R T :

[To accompany bill S. 1538.]

*The Committee on Naval Affairs, to whom was referred Senate bill No. 1538, authorizing the closing of the accounts of the late Rear-Admiral A. H. Foote, U. S. N., having considered the same, report as follows :*

Rear-Admiral A. H. Foote, after long, honorable, and distinguished services in the United States Navy, died June 26, 1863, while on his way to assume command of the South Atlantic squadron, under orders of the Secretary of the Navy issued June 4, 1863. Upon receiving such orders he drew, as he was allowed by law to do, two months' advance pay, amounting to \$834. This amount was mostly expended by him in making preparation for the performance of the duty to which he was assigned, and the sum not thus expended was consumed in paying the expenses of his last sickness. He died from disease contracted in the service, and left no property from which the amount advanced to him could be refunded to the Treasury.

By the present regulations of the Treasury Department his accounts will be closed on the books of that department by the statement that he was a "defaulter" unless the relief asked for in this bill is afforded.

The committee recommend the passage of the bill.





IN THE SENATE OF THE UNITED STATES.

APRIL 28, 1880.—Ordered to be printed.

Mr. INGALLS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2853.]

*The Committee on Pensions, to whom was referred the bill (H. R. 2853) granting a pension to Elizabeth Aults, submit the following report:*

They find the facts in this case substantially set forth in the report of the Committee on Invalid Pensions of the House of Representatives (Forty-sixth Congress, second session), No. 34.

They recommend the passage of the bill with the following amendment: Strike out all after "pension," in line 9 down to and including "rebellion" in line 14, and insert "from and after the passage of this act."

[H. Report No. 34, 46th Congress, 2d session.]

Ambrose M. Aults, the late husband of the claimant, was first mustered into the military service of the United States in Company D, One hundred and thirty-first Regiment of Pennsylvania Volunteers, on the 9th day of August, 1862, and was honorably discharged from said company in May, 1863. On the 2d of September, 1864, he again entered the military service as First Lieutenant in Company G, Two hundred and fifth Regiment of Pennsylvania Volunteers, and was promoted to the captaincy of said company on the 14th of May, 1865, and was honorably discharged from the Army of the United States on the 2d of June, 1865. He applied for a pension on the 30th of April, 1874, alleging that he contracted, in April, 1865, tuberculosis, while being conveyed in a steamer from City Point, Va., to Annapolis, Md., being wounded at the time. He died on the 17th of February, 1875, and before any decision was made on his application by the Pension Department. The claimant, on the 14th of July, 1875, filed her application as widow for pension for herself and two children. This pension application was "rejected on the ground that the disease of which the soldier died was not chargeable to his military service."

Ambrose M. Aults left a widow, Elizabeth Aults, and two children, namely: Mary Louisa Aults, born June 3, 1870, and Ambrose M. Aults, born July 19, 1873.

Alexander Bobb, who was major of the Two hundred and eighth Regiment of Pennsylvania Volunteers, on the 21st of April, 1874, testifies that "at the charge on the rebel works before Petersburg, Va., on the 2d day of April, 1865, Captain Aults was wounded by a gunshot in left hip, and went to a hospital at City Point, and while there he saw said Captain Aults; and that the said Aults was then sent by steamer to Annapolis, Md., and while absent he took severe cold, and coughed and complained of lung affection. That he saw him in Harrisburg, Pa., about the 1st of June, 1865, and he was then coughing and looking haggard, and complained of lung disease; and that he was sound and free from disease of lungs at the time he was lying in City Point hospital, Va., and before that; and that after coming from Annapolis was ever sickly, and that he got this disability in the service of the United States and in line of duty."

Captain Aults, in January, 1875, testified that he was unable to get the regiment surgeon's certificate, from the fact that on the 2d of April, 1865, he was wounded and left the regiment, and while away from it he took sick and did not get back to the regiment until it was ready to be mustered out, in June, 1865, and then he did not see the surgeon; and that he was unable to give the name of the surgeon on the boat, because he was on the boat but a short time, and there were a large number of wounded to be treated by the surgeon, and that he was given "leave of absence" at the hos-

pital and he went home. In a deposition filed on 12th of September he swears: "I claim on account of tuberculosis contracted in April, 1865, while being conveyed in a steamer from City Point, Va., to Annapolis, Md., being wounded at the time."

Dr. David D. Mahan, in August, 1874, testified that he well knew Ambrose M. Aults for fifteen years prior to enlistment in the Army, and was his family physician three years prior thereto, and was at the time of his enlistment, and knows that said soldier was a sound and hearty man, and free from tuberculosis or any disease of the lungs.

Dr. J. F. Wilson, on the 10th of August, 1874, testified that "he well knew Capt. Ambrose M. Aults at the time of his discharge; that he was his family physician to and for him from the date of his discharge, June 2, 1865, to the year 1873, and that he treated him during this time for incipient tuberculosis."

Dr. Rowan Clark, on the 10th of August, 1877, testified that he was the family physician to Capt. Ambrose M. Aults from October, 1871, to August, 1874, that he treated him all that time for tuberculosis, or disease of the lungs.

Dr. J. M. Smith, attending physician at the time of Captain Aults's death, on the 17th of September, 1875, testified that the "physical condition of Ambrose M. Aults from August, 1874, to date of death: Disorganization of greater portion of left lung, with perceptible flattening of chest-wall in infra and supra clavicular region; tubercular deposit in right lung; cough, with copious muco-purulent expectoration; gradual exhaustion and extreme emaciation, evidenced by hectic symptoms; active hemorrhage from lungs February 4, 7, and 15, caused by breaking down of lung tissue. Died from exhaustion February 17, 1875, at 1 o'clock a. m.

From this mass of medical evidence, given by reputable and distinguished members of the medical profession, the committee readily came to the conclusion that Captain Aults contracted tuberculosis whilst in the Army, and which was the cause of his death. As the tuberculosis was contracted whilst Ambrose M. Aults was a first lieutenant, his pension should be at that rate.

The committee do not hesitate to recommend the passage of the accompanying bill.



IN THE SENATE OF THE UNITED STATES.

APRIL 30, 1880.—Ordered to be printed.

Mr. INGALLS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3077.]

*The Committee on Pensions, to whom was referred the bill (H. R. 3077) granting a pension to John L. Williams, submit the following report:*

John L. Williams served as a private in Company H, One hundred and ninety-second Regiment Pennsylvania Volunteers, from February 27, 1865, to August 24, 1865.

He is suffering with "scrofula or white swelling," according to the testimony of Dr. Allison, who adds, in guarded language, "and taking his own statement and my own judgment I could not nor would not say but what he inherited the disease in the Army." The doctor further says that when Williams came under his treatment "his system was in a low Langrued condition," and the first time he lanced his leg it discharged over one "haff gallon," &c. He concludes—"his constitution is brokn down."

Under the care of such a physician, the wonder is that he escaped with his life.

In the absence of corroborative evidence, the committee are unwilling to say that the scrofula of Williams was "inherited in the Army," and they recommend that the bill be indefinitely postponed.





IN THE SENATE OF THE UNITED STATES.

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APRIL 30, 1880.—Ordered to be printed.

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Mr. INGALLS, from the Committee on Pensions, submitted the following

REPORT:

*The Committee on Pensions, to whom was referred the petition of Ann Fletcher, submit the following report:*

This application was rejected at the Pension Office on the ground that the dependence of the mother on her son for support was not satisfactorily established.

The husband of claimant is still living, and the family have a comfortable home in Utica, N. Y., said to be worth \$1,200. They are in humble circumstances, and Mr. Fletcher is in feeble health.

The soldier died in Andersonville prison, and his pay and bounty were received by his father.

The fact that application for pension by the mother was not filed till April 12, 1878, fourteen years after the death of her son, seems, in the absence of more direct evidence, to negative the presumption of dependence.

The committee ask to be discharged from further consideration of the petition.

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IN THE SENATE OF THE UNITED STATES.

APRIL 30, 1880.—Ordered to be printed.

Mr. INGALLS, from the Committee on Pensions, submitted the following

R E P O R T :

*The Committee on Pensions, to whom was referred the petition of Charles W. Tibbetts, submit the following report :*

The applicant was employed as a carpenter in the Quartermaster's Department. He was injured at Giesborough, D. C., while constructing a landing for loading cavalry horses, by the falling of a stick of timber on his neck. His application was rejected April 16, 1874, at the Pension Office, on the ground that he was not in the military or naval service of the United States, and consequently not pensionable. The committee concur in this conclusion, and ask to be discharged from further consideration of the petition.







IN THE SENATE OF THE UNITED STATES.

APRIL 30, 1880.—Ordered to be printed.

Mr. INGALLS, from the Committee on Pensions, submitted the following

REPORT :

[To accompany bill S. 1557.]

*The Committee on Pensions submit the following report :*

The claim of Dennis Smith was rejected at the Pension Office because no medical evidence was furnished showing treatment while in the service nor after his discharge.

No additional testimony has been filed in support of this application. An inspection of the record shows that he was not treated in hospital, and that he was mustered out by reason of expiration of his term.

The committee can find no ground for reversing the action of the Commissioner and recommend the indefinite postponement of the bill.

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IN THE SENATE OF THE UNITED STATES.

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APRIL 30, 1880.—Ordered to be printed.

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Mr. INGALLS, from the Committee on Pensions, submitted the following

R E P O R T :

*The Committee on Pensions, to whom was referred the petition of Sarah A. Alexander, submit the following report :*

This case is pending before the Pension Office waiting evidence that has been asked and not furnished relative to the petitioner's dependence on her son for support.

The committee ask to be discharged from its further consideration.

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IN THE SENATE OF THE UNITED STATES.

APRIL 30, 1880.—Ordered to be printed.

Mr. INGALLS, from the Committee on Pensions, submitted the following

R E P O R T :

[To accompany bill S. 1323.]

*The Committee on Pensions submit the following report :*

Gano was pensioned October 17, 1871, from July 19, 1865, at \$4 per month, for chronic rheumatism. Subsequently his pension was increased to \$6 per month from September 3, 1872. He asks for further increase, but submits no additional evidence. If the rate now allowed him is less than that to which he is entitled he should apply to the Pension Office, which has power to fix a higher rate upon satisfactory evidence of the claimant's condition. The committee recommend that the bill be indefinitely postponed.





IN THE SENATE OF THE UNITED STATES.

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APRIL 30, 1880.—Ordered to be printed.

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Mr. INGALLS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1464.]

*The Committee on Pensions submit the following report:*

George W. Staplin was granted a pension in March, 1879, by special act. He asks arrears from June 21, 1865. Without denying the merit of the claim, the committee think that justice to the class of pensioners to which Staplin belongs requires general legislation of some character affecting all equally, and that, meantime, individual applications should be postponed.

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IN THE SENATE OF THE UNITED STATES.

APRIL 30, 1880.—Ordered to be printed.

Mr. INGALLS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2407.]

*The Committee on Pensions submit the following report :*

Belinda Curtis, widow of Maj. Gen. S. R. Curtis, has made no application under the general law for the pension to which, if the facts stated in the petition are true, she would probably be entitled. No evidence of any description accompanies the case. The petition is not verified.

The rule of the committee, based upon considerations of sound public policy, has been not to exercise original jurisdiction in pension cases, leaving all parties to go to the office provided by law for the determination of such claims.

The committee recommend that the bill be indefinitely postponed.





IN THE SENATE OF THE UNITED STATES.

APRIL 30, 1880.—Ordered to be printed.

MR. PENDLETON, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill S. 1254.]

*The Committee on Indian Affairs, to whom was referred the bill (S. 1254) for the relief of Henry Warren, have had the same under consideration, and submit the following report:*

Under a contract awarded in June, 1870, by the proper authority, Henry Warren was engaged in furnishing corn to the quartermaster's department at Fort Griffin, Texas. Having to pass over a stretch of ninety miles of wild, uninhabited country, which was frequently raided by marauding Indians, it was difficult for him to procure transportation, as men would not risk their lives and property in such service except at very high wages. To avoid paying these heavy rates, and make sure of promptly filling his contract, the claimant purchased his own wagon and mules in Saint Louis, and was proceeding in the execution of his contract to the entire satisfaction of the government.

Rumors of Indian raids having reached him, he applied to the commander at Fort Griffin for an infantry escort, for which he offered to furnish transportation, but soldiers could not be spared for such service. The commander, however, supplied arms sufficient to arm each teamster.

On the 18th day of May, 1871, while on the road to Fort Griffin in execution of his contract, his train was suddenly attacked in the open prairie by about one hundred and fifty Indians of the Kiowa tribe, under San-tan-ta, their principal chief; the wagon-master and six of the teamsters were murdered. One of them, falling alive into the hands of his savage captors, was barbarously tied to a wagon wheel and burnt; the train was pillaged, the animals killed or driven off, to the number of thirty-six, the corn scattered over the ground, where it was so injured by a heavy rain that it was sold for twenty dollars, and the harness and wagon furniture carried away or so damaged that, with the broken and disabled wagons, the whole was sold for \$500.

His wagons being thus left in a disabled condition sixty-five miles from Fort Griffin, the claimant alleges that he was put to great expense in replacing his teams and obtaining corn to fill his contract, and heavy consequential damages were sustained by him on account of the interruption of his business and the heavy rates he was compelled to pay for transportation.

The marauding Indians went with their pillaged property directly to Fort Sill, and openly boasted of their deed in the presence of General Sherman, who happened to be there, and of their agent. By Sherman's orders three of the ringleaders, including San-tan-ta, were arrested.

They were subsequently delivered to the civil authorities of Texas, and two of them were indicted for murder, convicted, and sentenced to be hung, which sentence was subsequently commuted to imprisonment for life. On the 25th day of August, 1871, within ten miles of the scene of his former disaster, the train of Henry Warren was attacked by a band of Cheyenne Indians, who drove off twenty-one mules and one horse, seriously damaging him, aside from the loss of his stock, by the injury sustained by the corn and detention of the train. By reason of these losses Mr. Warren was reduced from a condition of independence, his profitable business was broken up, and he was forced to take service at a small salary.

The treaty between the United States and the Kiowa and Comanche tribes of Indians, proclaimed August 25, 1868, declared that—

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indians, subject to the authority of the United States and at peace therewith, the tribes herein named solemnly agree that they will, on proof made to their agent and notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws, and in case they willfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper; but no such damages shall be adjusted and paid until thoroughly examined and passed upon by the Commissioner of Indian Affairs and the Secretary of the Interior; and no one sustaining loss while violating, or because of his violating, the provisions of this treaty or the laws of the United States, shall be reimbursed therefor.

Precisely the same provision is contained in the treaty between the United States and the Cheyenne and Arapahoe tribes of Indians, concluded October 28, 1867.

The proof of Mr. Warren's claim under the rules and regulations prescribed is of the most complete and ample description, and after examination the Secretary of the Interior allowed it to an amount, with subsequent accrued interest, corresponding to that named in this bill, and recommended its payment. The Indians charged with the robberies admitted them fully, and made partial restitution by returning a number of the animals taken, but in a broken-down condition, and a few others stolen from other sources and subsequently reclaimed from Warren by their true owners. Allowance for their value was duly made in the examination of the claim by the Interior Department. Beside the punishment of Kiowas as above cited, twenty of the Cheyennes, for complicity in that and other crimes, were arrested and confined at Fort Marion, Fla., until 1878. None of these captives were voluntarily surrendered by their tribes under the treaties, nor were any others either captured or surrendered, nor was any further restitution made for the loss.

The committee therefore recommend the passage of the bill.

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#### STATEMENT.

WEATHERFORD, PARKER COUNTY, TEXAS,

October 2, 1872.

To the HON. COMMISSIONER OF INDIAN AFFAIRS,  
Washington City, D. C.:

SIR: I have the honor to inclose herewith certain additional affidavits relative to my claim for damages on account of Indian depredations in Texas, by which certain of my property was captured and destroyed. These claims of mine—the Indians committing the depredations, and the animals stolen being clearly and without doubt traced directly to the reservations set apart by the United States for these Indians—

assume a clearness of proof, coupled with the undoubted responsibility of these Indians under treaty obligations to make good to me my loss and damage inflicted by them, that I feel at liberty to address this statement to you in order to endeavor to clearly set forth my view of the case, recapitulate the evidence, and sustain the justness and reasonableness of the amounts claimed by me against the United States on account of the Kiowa and Cheyenne tribes of reserve Indians.

First. In order to give you a fair understanding of the country in which these captures and murders took place, I will endeavor to give you an idea of its desolateness, and the utter impossibility of repairing any such damages as I sustained, without great loss of time and money.

Weatherford (my place of residence) is the last town of any importance upon this northwest frontier of Texas. The country between this place and the military post of Fort Griffin, in Shackelford County, is a wild, uninhabited district, consisting of wide-spreading, high prairie land, with here and there a belt of timber on the few water courses. For thirty or forty miles west of here a few scattered cattle-ranches are to be found, but beyond these lies a waste given over to large herds of Texas cattle as a pasture, and only ventured into by Indians or such white men as have cattle to hunt up, or those having business with the government at the military posts. All such persons venture into this section only when heavily armed and in large parties. In June, 1870, I was awarded the contract of furnishing corn to the quartermaster's department at Fort Griffin. I soon found, after commencing to buy and ship corn to this post, that it would be impossible for me to keep up the supply of grain at the post if I depended upon the local transportation here. Every pound of corn had to be hauled in mule or ox wagons, distances from 120 to 200 miles, 90 miles of which distance, between Forts Richardson and Griffin, is known as the most dangerous road to travel over which exists in the United States, on account of the continued raids of the Comanche, Kiowa, and Cheyenne Indians from Fort Sill and Cheyenne Reservations, located in the Indian Territory, just north of Red River, on the borders of this State, there absolutely being a portion of the road thirteen miles in length where the graves of twenty-two men, wantonly murdered by these Indians, can be counted by the wayside. Over this country, I found I could not get men to go without protection of some kind, and even then they did not care to risk their property and lives, and consequently charged exorbitant rates of freight, to pay which was ruinous to me, and on the other hand, to fail in my contract, being under bond to the United States, was also ruin. In this dilemma I sent to Missouri and purchased my own transportation, of good mule wagons thoroughly equipped, and large, fine American mules, expressly for use in my contracting business. This transportation did not arrive in Texas until December, 1870, and were immediately put on the road.

In February, 1871, rumors of Indians having been seen in the country, and large quantities of stock being stolen, I applied to the commanding officer at Fort Griffin for an infantry escort to be hauled in my wagons for protection. Not having any men to spare, he furnished me a sufficient number of carabines to arm each teamster. The train went on with its regular trips between Weatherford and Fort Griffin, never being molested until the unfortunate 18th day of May, 1871, when suddenly, while peacefully traveling on the main road, about sixty-five miles from Weatherford, and when they were just entering upon the terrible thirteen miles of road before referred to, they were rushed upon, on the open prairie, by a band of 150 Kiowa Indians, commanded by San-tan-ta, a chief who signed the very treaty of peace between his tribe and the United States under which he was being fed and protected at the Fort Sill Reservation. Before the train had time to properly corral for protection they were surrounded and the wagon-master almost instantly killed. In the ensuing fight for their lives, seven of the teamsters were killed, the rest abandoning the train and escaping to the protection of the timber, when the Indians relaxed their pursuit, and returned to sack and pillage the wagons and to drive off the mules. The men escaping being on foot in a wild, uninhabited country, news of the disaster did not reach me until the night of the 19th May, 1871. I was obliged to fit out and obtain an escort for another of my trains of eight wagons and dispatch them to the place of murder, in order to haul in what the savages had left of my property, standing in a desert country sixty-five miles distant from any help, the condition of which property is plainly set forth in affidavits furnished, *of parties who were on the spot, and had examined the property closely, with the view of swearing to its condition.* Immediately after this heavy blow to my business, I was obliged to raise money at a ruinous sacrifice of property in order to meet my most pressing needs in being obliged to hire local transportation at exorbitant rates, and to purchase more corn to replace that lost, in order to go on with and complete my contract with the government. Hardly had I recovered from this disaster when, in August, 1871, another of my trains similarly loaded with corn for Fort Griffin, and traveling the same road, was set upon by a band of Cheyenne Indians, at a point about ten miles distant from the scene of the former disaster; said Indians running off twenty-one of the best mules, and one horse I had in the train.

Thus my loaded wagons were left on a desert road, crippled and unable to proceed,

when every day's delay was costing me in expense of train at least fifty dollars. Part of the loading the wagon-master was obliged to abandon in order to lighten his wagons, so that he could push on to Fort Griffin, and all of the corn was more or less injured by its delay on the road, becoming damp and musty, and a great deal of it being rejected by the government. In this second disaster I suffered an *absolute money loss* for property abandoned and delay of train of nearly \$3,000, besides the loss of the mules. This, coupled with my former loss, so crippled me in business that I was obliged to discontinue and seek some new channel in which to start life anew. Not until October, 1871, did I become aware that I could recover any of my lost mules, at which time I was in Washington City. In November I sent my agent, Mr. I. C. DuBose, to Fort Sill, to receive what mules of my brand he could find, which had been recovered from the Indians, who had already had the use of the mules some seven or eight months. Mr. DuBose received from Mr. Tatum thirty-five mules and one horse, and from Mr. Darlington twelve animals. Attached to the inclosed affidavit of I. C. DuBose are the duplicates of the receipts given to the above-named agents by Mr. DuBose, in which he has clearly set forth the condition and class of the animals received by him, only ten of which he recognized as being of my brand. To those receipts I respectfully call your attention. Those mentioned as small and inferior were Mexican or Indian mules, such as sell in Texas at from \$25 to \$30 a head, and those branded U. S. were old broken down Government mules, worn out by many years of hard service. Thus the mules returned to me in the dead of winter at an Indian reservation (200 miles from my home), in the midst of an uninhabited country infested by hostile tribes of Indians, were far from being of the same quality or in the same condition as those fine mules which had cost in Saint Louis from \$150 to \$165 per head, and which the Indians had stolen from me eight months before. Upon the arrival of this herd of animals at Weatherford, a valuation (by disinterested parties) was made of them of \$80 per head, at which price I was obliged to dispose of them. Several of these mules were of course worth more than this amount; for instance, some being valued at \$150 each, but the mixture of the almost worthless Mexican and old Government mules brought down the average of the entire herd to the figure of \$80 per head, which, as the affidavits furnished show, was considered a fair and just valuation for all parties concerned. This is all the return which I have ever received for my entire loss and damage sustained. What was left of my wagons and corn I sold for a nominal sum of money at Weatherford (see affidavit I. C. DuBose), besides incurring the expense of sending after the destroyed train, and afterwards in sending an agent and supplying herders to bring the returned mules from Fort Sill to Weatherford. In the affidavit of I. C. DuBose it will be seen that two of these mules returned, of those branded U. S., were seized and taken from him by a government officer as government property, and that one was claimed and taken from him by the El Paso mail company as being one of their animals formerly stolen by these reservation Indians. Therefore my account of animals stolen and returned stands thus:

	Horses.	Mules.
Stolen May 18, 1871.....	1	41
Stolen August 25, 1871.....	1	21
Reclaimed by owners in Texas.....		3
Total.....	2	65
Returned by Agent Tatum to DuBose.....	2	46
Making a balance due me of.....		19

of the quality and condition of my own mules stolen by the Indians.

As for the amount of consequential damages, I hold that they are exceedingly reasonable and just, and only in accordance with the fairness and justness of my entire claim. Nearly three years will probably elapse from the time of the depredation before I shall be able to recover any portion of my claim, during all of which time I am deprived of the use of my capital, and have been obliged to visit Washington City three or four times. I hold that the government is most directly interested in recovering this damage of mine from the Indians and paying for the same, as the robbery and attending murders were committed by the very chiefs of the tribes who were supposed to be living at peace with the people of the United States. The signatures of the very chiefs concerned, Satanta and Big Tree, being actually appended to the treaties. As to the provisions of those treaties and the agreements therein I need not speak; to you they are well known. The attack upon and the capture of my property was entirely unprovoked, and the place far remote from the reservation and home of these Indians, which clearly proves that this attack and the attending murder of eight innocent men was the result of a cold-blooded and deliberate premeditation, designed against a people of a section of country who had never injured them, and who trusted to the strong arm of the government and the faith of treaties for protection to lives and property, and doubly so in my own particular case, from the fact of my property

being actually engaged in the service of the government at the time of its destruction, and that I had been actually compelled on account of my obligations and contract with the United States Quartermaster's Department to purchase this particular class of property, and risk it in such a dangerous and hostile country as our Indian frontier. Had I done aught to excite the revenge of these Indians then I should not so strongly feel the justness of my claim, but such a cold-blooded, brutal assault, with such destruction of life and property, as I have been called upon to bear, calls loudly for reparation at the hands of these Kiowa and Cheyenne Indians, deprived as I have been at one blow of means of making a livelihood and of property only accumulated after several years of hard and rough work on the frontier. Had the entire amount of my claims been paid to me on presentation it would no more than have compensated me for my loss and distress in closing out my business.

For a statement of my claims as they now stand I would respectfully call attention to the following:

Amount of claim May 18, 1871, Kiowa.....	\$29,732 50
Thirty-six animals returned, at \$80 each, \$2,880, less three animals reclaimed in Texas, \$240.....	2,640 00
Balance due from Kiowas.....	27,092 50
Amount of claim August 24, 1871, Cheyenne.....	19,352 50
Twelve animals returned, \$80 per head.....	960 09
Balance due from Cheyennes.....	9,392 50

These amounts I hold to be not only just but extremely reasonable and eminently due to me as compensation, my case being such a hard one and my loss so complete, and the Indians coming directly from a reservation set apart as their home by the government, and without provocation of any kind wantonly robbing me of the bulk of my entire property, and then deliberately returning to their reservation for protection from the expected pursuit from Texas, and boasting of their bloody deed as being worthy of commendation. It cannot be pleaded in excuse or palliation of their crime and theft that this deed of violence was an act of retaliation in savage warfare by a tribe of Indians beyond the control of the government. Our people are not at war with the Kiowas, nor do we ever seek to injure or disturb them.

The copy of the extracted report of Colonel McKenzie, Fourth Cavalry (filed with my claim), who followed with his command the trail of these savages from the scene of disaster directly to their reservation clearly proves the responsibility of these reserve Indians for the deed, and the treaty duly drawn up and signed by the very chiefs concerned in the outrage, makes them and their tribes fully accountable to me for all my loss and damage due to their depredations.

I have been very careful and considerate in drawing up my claims, nor do I claim one cent in excess of what I think I am justly entitled to, and what the evidence in the cases fully sustains. I have taken the liberty of addressing this strong personal statement of my case to you, with the request that it be filed with the other papers pertaining to my case, in order to set forth a recapitulation of the evidence and circumstances of my claim. I trust I have made no statement in this letter which the sworn evidence of the affidavits filed does not fully sustain and prove.

With the greatest respect, allow me to subscribe myself your most obedient servant,  
HENRY WARREN.

#### The UNITED STATES to HENRY WARREN, Dr.

For amount of depredations committed by the Comanche and Kiowa Indians, in the county of Young, in the State of Texas, to wit, the stealing, carrying off, and destruction, on the 18th day of May, A. D. 1871, of the following-described property, viz:

Forty-one large American mules, valued at \$200 each.....	\$8,200 00
One saddle-horse, valued at \$175.....	175 00
Forty sets mule-harness, valued at \$45 per set.....	1,800 00
Ten four-mule freight-wagons, valued at \$200 each.....	2,000 00
Ten heavy duck wagon-sheets, valued at \$35 each.....	350 00
Ten wagon-saddles, valued at \$20 each.....	200 00
Ten saddle-blankets, valued at \$3 each.....	30 00
Ten wagon-whips, valued at \$5 each.....	50 00
One riding-saddle, bridle, and blanket, valued at \$40.....	40 00
Five hundred and fifty bushels corn, shelled and sacked, at \$2.25 per bushel.....	1,237 50
Five Spencer carbines, valued at \$30 each.....	150 00



Neck-halters, blacksmith tools, mess-kits, ammunition, water-buckets, extra collars, axes, hatchets, &c., say ..... \$500 00

Also for the amount of actual damage and loss in business sustained by me in the capture of the aforesaid train loaded with corn, caused by interruption and stoppage of my entire business for above a month; having to hire transportation at a heavy rate of freight to take corn to Fort Griffin, Texas, to comply with my contract for furnishing corn to the quartermaster's department at that post; my credit being shaken by so great a pecuniary loss, and the consequent lessening of my capital, and being forced to raise money to pay off creditors, and beside all the loss of the use of my train, which yielded me an income of about one thousand dollars per month, and other causes too numerous to mention, say..... 15,000 00

Total ..... 29,732 50

Making an aggregate of \$29,732.50, none of which has been regained by me except the remains of the wagons (which were so badly cut up and burnt as to be worthless) and about five thousand pounds of musty, damp corn, hauled to Fort Griffin, Texas, by a government train, by order of General W. T. Sherman, United States Army.

Witness my hand, at Weatherford, Parker County, Texas, this 28th day of May, A. D. 1871.

HENRY WARREN.

STATE OF TEXAS, *County of Parker, ss:*

This day personally appeared before me, in said county of Parker, Henry Warren, to me personally known, who made oath that the corn-train referred to in the foregoing account by him signed was actually taken and destroyed by the Comanche and Kiowa Indians, and have never been regained by him, and that he verily believes the valuation and damage as set forth in said account to be just and correct. And I furthermore certify that the said Henry Warren is a man of respectability, whose statements are entitled to full credit and belief.

Given under my hand and seal of office, at Weatherford, Parker County, Texas, this \_\_\_\_\_ day of A. D. 1871.

[L. s.]

SAM. H. MILLIKEN,

*Clerk District Court, Parker County, Texas.*

The UNITED STATES to HENRY WARREN, Dr.

To amount of depredations committed by the Indians in the county of Jack, in the State of Texas, to wit, the stealing and carrying off in the year 1871 from me the following property, to wit:

Twenty-one large American mules, at \$200 each ..... \$4,200 00

One mare, valued at \$175 ..... 175 00

Making an aggregate of \$4,375, and the said animals or payment therefor has never been regained by me.

Also for damages accruing for three weeks' detention of a train of eight six-mule teams, at \$40 per day ..... 840 00

For one hundred and fifty bushels of corn abandoned and destroyed in order to lighten train, at \$2.25 per bushel ..... 337 50

For damage to wagons, breakage, &c., on road ..... 300 00

And for general damage in loss of capital and use of the animals, say ..... 4,500 00

Total ..... 10,352 50

Making an aggregate of \$10,352.50, none of which has ever been regained by me.

Witness my hand at Jacksborough, Tex., this 18th day of September, A. D. 1871.

HENRY WARREN.

STATE OF TEXAS, *County of Jack, ss:*

Personally appeared before me, in said county of Jack, Henry Warren, who made oath that the mules and mare referred to in the foregoing account by him signed were actually taken and carried off by Indians, and have never been regained by him, and that he verily believes the valuation of said mules and mare set forth in said account to be correct and just. And I furthermore certify that the said Henry Warren is a man of respectability and entitled to credit in his statements.

Given under my hand and seal of office this 18th day of September, A. D. 1871, at Jacksborough, Jack County, Texas.

[L. s.]

JAS. R. ROBINSON,

*Clerk District Court, Jack County, Texas.*

We, the undersigned, Wilburn Brummett and D. C. Brown, citizens of Jack County, Texas, do hereby certify that, to our knowledge, twenty-one mules and one mare, belonging to Henry Warren, of Weatherford, Tex., were captured and carried off by the Comanche Indians in the month of August, A. D. 1871, in the county of Jack, State of Texas, and that we have examined the foregoing account of the said Henry Warren, amounting to \$10,352.50, and find the animals put at the market price in this section of country, and consider his claim for damages just and reasonable. And we further state that we have no interest whatever in said claim, neither direct or contingent.

Witness our hands this 18th day of September, A. D. 1871.

WILBURN BRUMMETT.  
D. C. BROWN.

STATE OF TEXAS, *County of Jack, ss:*

This day personally appeared before me Wilburn Brummett and D. C. Brown, to me personally known, who signed and made oath to the foregoing statement. And I further certify that the said Wilburn Brummett and D. C. Brown are persons of respectability and entitled to credit in their statements.

Given under my hand and seal of office, at Jacksborough, Jack County, Texas, this 18th day of September, A. D. 1871.

[L. s.]

JAS. R. ROBINSON,  
*Clerk District Court, Jack County, Texas.*

DEPARTMENT OF THE INTERIOR,  
*Washington, March 25, 1880.*

Hon. GEORGE H. PENDLETON,  
*United States Senate:*

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant, inclosing S. 1254, entitled "A bill for the relief of Henry Warren," which provides for the payment of the sum of \$15,867.50, in full satisfaction for damages sustained by reason of the capture of his trains and destruction of property by Kiowa, Comanche, and Cheyenne Indians in 1871, while said Warren was freighting supplies to Fort Griffin, Texas.

In reply to the interrogatories presented in your letter, your attention is respectfully invited to the inclosed letter, dated the 23d instant, from the Commissioner of Indian Affairs, to whom the subject was referred for report; also to the inclosures noted therein. S. 1254 is also respectfully returned.

The papers originally filed in the claim of Henry Warren were transmitted to the Speaker House of Representatives, January 19, 1874.

Very respectfully,

C. SCHURZ, *Secretary.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, March 23, 1880.*

THE HON. SECRETARY OF THE INTERIOR:

SIR: I have the honor to acknowledge the receipt by your reference of a letter dated 4th instant, from Hon. George H. Pendleton, inclosing Senate bill No. 1254, for the relief of Henry Warren, for damages sustained by him on account of the destruction of his property by Kiowa, Comanche, and Cheyenne Indians, in May, 1871. And to the first inquiry made, whether or not the "wrong-doers" were delivered up, according to the terms of the treaties made with them in 1863, and, if so, after what lapse of time, &c., I have respectfully to state, that three of the five leaders engaged in the raid referred to were arrested by the military, on the request of their agent, about one month after they had committed the depredation, and were taken to Texas for trial; one of them, for attempting to kill a soldier before arriving there, was shot; the other two were tried by the civil court at Jacksborough, Texas, and sentenced to be hung, which was subsequently commuted to life-imprisonment; and the governor of Texas, some two years thereafter, delivered them up to their agent, on the recommendation of the department, and they were released.

Others who had been engaged in the raid upon the train of Mr. Warren, and had committed other depredations in Texas, were apprehended and taken in charge by the military, and in 1874 seventy of the ringleaders were selected and taken by the War Department to Fort Marion, Florida, and there held as prisoners until the summer of 1878, when they were restored to their respective agencies.

In reply to the inquiry made as to "whether the President has prescribed rules and regulations for ascertaining damages under the provisions of the said first article of

the treaty referred to; and whether the damages alleged to have been sustained by said Henry Warren have been examined and passed upon by the Commissioner of Indian Affairs and the Secretary of the Interior" I have to state that, from the date of the adoption of said treaty of 1868 up to 1872, no claims arising from depredations committed by Indians who were parties to the treaty were examined or passed upon by the office, and hence no request was made for the adoption of any rules and regulations contemplated in the treaty.

By an act of Congress approved May 29, 1872, U. S. Statutes, vol. 17, page 190, Congress made provision for the adoption of rules applicable to all claims arising from depredations of Indians, and I inclose herewith a copy of the rules and regulations of the department, prepared in pursuance of said act.

On the 29th of September, 1873, the claim of Mr. Warren, after it had been investigated by the agent in compliance with Rule 4 of said rules, was examined by the office as prescribed in Rule 5, and all the papers in the case were transmitted, with a report, to the department, and by the department to the Speaker of the House, January 19, 1874; and the office has no information respecting said claim other than that contained in the papers and report referred to. A copy of the report is herewith inclosed.

Very respectfully, your obedient servant,

R. E. TROWBRIDGE,  
*Commissioner.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, September 29, 1873.*

SIR: I have the honor to submit herewith for your consideration the claim of Henry Warren for \$29,732.50, on account of depredations alleged to have been committed by Kiowas and Comanches.

The Indians in council admit the material facts charged in regard to the depredation, and have partially made restitution, but decline to make further satisfaction.

The claimant, in June, 1870, was awarded the contract for furnishing corn to the quartermaster's department at Fort Griffin, and avers that in consequence of the danger to be apprehended from Indian raids, over some ninety miles of the wild and uninhabited district in that portion of Texas through which the corn was to be transported to reach the fort, it was very difficult for him to secure the aid required and the means of transportation; that men would not risk their lives and property in that portion of the country without military protection; and that consequently exorbitant rates of freight were charged. To obviate the necessity of paying these ruinous local rates, and to be enabled to comply with the terms of his contract promptly, he sent to Saint Louis and purchased his own wagons and mules, and placed them upon the road.

Rumors of Indian raids having reached him, he applied to the commander at Fort Griffin for an infantry escort, but the soldiers could not be spared from the fort, and a sufficient number of carbines were supplied to arm each teamster.

On the 18th day of May, 1871, while the train was passing over the most dangerous portion of the route to the fort, a sudden attack was made by a band of 150 Kiowas, commanded by San-tan-ta. The train-master was instantly killed, and seven of the teamsters, the remainder abandoning the teams and fleeing to save their lives. The Indians sacked and pillaged the wagons, and drove off the mules, 41 in number, and 1 horse, and destroyed and took away much other property.

Claimant alleges that by reason of the wagons being thus left in a desert country, some 65 miles from the fort, he was subjected to great expense in securing other teams to haul in the remains of the abandoned train; and the corn was so much damaged that he was compelled to purchase another lot to fill the contract.

Aside from the loss of mules, Mr. Warren presents a schedule of property taken and destroyed by the Indians at the time designated, which he estimates at \$6,532.50. He also claims damages of a consequential character, to the amount of \$15,000; averring that his business was interrupted for about a month; that he had to hire transportation at a heavy expense; was obliged to raise money at a ruinous sacrifice to pay creditors and meet his engagements with the government, besides the loss of his train, which he claims yielded him \$1,000 per month.

There can be no doubt about the fact of the depredation. A large number of witnesses verify the statements of the claimant with regard to that, and, also, as to the amount of damages he sustained.

Apart from their testimony, there is abundant proof in reports from the Indian agent and Army officers on file in this office, that the Kiowas, under San-tan-ta, committed the outrage as charged.

It appears from the evidence that the Indians delivered over to their agent thirty-five mules and one horse, for Mr. Warren; and he admits that he received that num-

ber, but asserts that most of them were an inferior class of mules to those he lost. Some of them were Mexican or Indian mules, and others were broken down government mules, &c. Only a few were of a superior quality, while his were large American mules; and further, that they were delivered to his agent, Mr. Du Bose, at the reservation, 200 miles from Weatherford (claimant's home), and after they arrived at the latter place were appraised at an average of \$38 per head, and sold at that sum.

The evidence of Mr. Du Bose and others confirm claimant's statement as to the class of mules delivered to them in exchange for those lost, the average amount received for them, and, also, the character of the mules taken from him by the Indians.

The evidence, also, is quite clear and positive in regard to the damage sustained by the claimant, by reason of the depredation, apart from his loss of property. Allowing him the full amount claimed for the mules and other property shown to have been lost, as well as the difference claimed by him on those sold and the price of his own mules, it is believed would, under all the circumstances, be a fair settlement of his claim.

The property shown to have been lost is valued at \$14,732.50; deducting therefrom \$2,880, the amount received by him for the mules and horse sold, would leave \$11,852.50; and I respectfully recommend that the claim be allowed for that amount.

Very respectfully, your obedient servant,

H. R. CLUM,  
*Acting Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

S. Rep. 551—2

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## IN THE SENATE OF THE UNITED STATES.

MAY 22, 1880.—Ordered to be printed.

Mr. PENDLETON, from the Committee on Indian Affairs, submitted the following supplemental

## REPORT:

[To accompany bill S. 1254.]

On pages 5 and 6 of the report of the Committee on Indian Affairs upon bill S. 1254 will be found an itemized statement of the loss alleged by claimant to have been inflicted by the Comanche and Kiowa Indians, amounting to \$29,732.50.

On page 6 of the report there is an itemized statement of the loss alleged to have been inflicted by the Cheyenne Indians, making an aggregate of \$10,352.50.

On the 30th of April, 1874, the House of Representatives, by resolution, called upon the Secretary of the Interior for a list of all claims for losses through depredations committed by Indians presented to the department for ten years past.

In answer to that resolution the Secretary of the Interior, in a letter dated January 9, 1875, found in Executive Document No. 65, Forty-fifth Congress, second session, transmitted a list of such claims, with the action of the department thereon where action had been taken.

By reference to pages 34 and 35 of that document (No. 138), it will be found that the claim of Henry Warren against the Comanches and Kiowas for \$29,732.50 was allowed for \$11,852.50, and his claim against the Cheyennes for \$10,352.50 was allowed for \$4,015.

By reference to the report of the Commissioner of Indian Affairs, Edward P. Smith, upon this case, it will be found that the amount awarded was reached in this way:

Claim against Comanches and Kiowas.....	\$29,732 50
Reject amount claimed for damages by detention, loss of business, &c.....	\$15,000 00
Deduct for stock recovered.....	2,880 00
	<u>17,880 00</u>
Leaving amount awarded.....	11,852 50
By report of the same Commissioner it will be found that the amount awarded in the Cheyenne claim was reached as follows:	
Amount of loss claimed.....	<u>\$10,352 00</u>
Amount allowed for stock driven off and killed (page 6 of report).....	\$4,375 00
For loss of corn and general damage.....	600 00
	<u>4,975 00</u>
Deduct for stock recovered.....	960 00
Leaving amount awarded.....	<u>4,015 00</u>
The amount of award in Comanche and Kiowa claim.....	11,852 50
And amount allowed on Cheyenne claim.....	4,015 00
	<u>15,867 50</u>
Making total of.....	15,867 50
This is the amount named in the bill.	

Although the evidence in this case was, to use the language of the Commissioner in his report, "clear and positive," the claim of Warren for consequential damages was wholly disallowed, and only that for actual loss incurred nearly nine years ago taken into account.

The claim has also been favorably reported upon four times by the Committee on Indian Affairs of the House of Representatives, as shown by the printed reports of that body, but further action was never obtained, owing to adjournment before it could be reached.

The committee also submit various other papers which throw light on the subject.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., September 29, 1873.*

SIR: I have the honor to submit herewith, for your consideration, the claim of Henry Warren for \$29,732.50, on account of depredations alleged to have been committed by Kiowas and Comanches.

The Indians, in council, admit the material facts charged in regard to the depredation, and have partially made restitution, but decline to make further satisfaction.

The claimant, in June, 1870, was awarded the contract for furnishing corn to the quartermaster's department at Fort Griffin, and avers that in consequence of the danger to be apprehended from Indian raids over some ninety miles of the wild and uninhabited district in that portion of Texas through which the corn was to be transported to reach the fort, it was very difficult for him to secure the aid required and the means of transportation; that men would not risk their lives and property in that portion of the country without military protection; and that, consequently, exorbitant rates of freight were charged. To obviate the necessity of paying these ruinous local rates, and to be enabled to comply with the terms of his contract promptly, he sent to Saint Louis and purchased his own wagons and mules and placed them upon the road.

Rumors of Indian raids having reached him, he applied to the commander at Fort Griffin for an infantry escort, but the soldiers could not be spared from the fort, and a sufficient number of carbines were supplied to arm each teamster.

On the 18th day of May, 1871, while the train was passing over the most dangerous portion of the route to the fort, a sudden attack was made by a band of 150 Kiowas commanded by Sa-tau-ta; the train-master was instantly killed and seven of the teamsters, the remainder abandoning the teams and fleeing to save their lives. The Indians sacked and pillaged the wagons and drove off the mules, 41 in number, and 1 horse, and destroyed and took away much other property.

Claimant alleges that by reason of the wagons being thus left in a desert country, some 65 miles from the fort, he was subjected to great expense in securing other teams to haul in the remains of the abandoned train, and the corn was so much damaged that he was compelled to purchase another lot to fill the contract.

Aside from the loss of mules, Mr. Warren presents a schedule of property taken and destroyed by the Indians at the time designated, which he estimates at \$6,532.50. He also claims damages of a consequential character to the amount of \$15,000, averring that his business was interrupted for about a month; that he had to hire transportation at a heavy expense; was obliged to raise money at a ruinous sacrifice to pay creditors and meet his engagements with the government, besides the loss of his train, which he claims yielded him about \$1,000 per month.

There can be no doubt about the fact of the depredation. A large number of witnesses verify the statements of the claimant with regard to that, and also, as to the amount of damage he sustained.

Apart from their testimony, there is abundant proof, in reports from the Indian agent and Army officers, on file in this office, that the Kiowas, under Sa-tau-ta, committed the outrage as charged.

It appears from the evidence that the Indians delivered over to their agent 35 mules and 1 horse for Mr. Warren; and he admits that he received that number, but asserts that most of them were an inferior class of mules to those he lost. Some of them were Mexican or Indian mules, and others were broken-down government mules, &c.; only a few were of a superior quality, while his were large American mules; and, further, that they were delivered to his agent, Mr. Du Bose, at the reservation, 200 miles from Weatherford (claimant's home), and, after they arrived at the latter place, were appraised at an average of \$80 per head and sold for that sum.

The evidence of Mr. Du Bose and others confirms claimant's statement as to the class of mules delivered to him in exchange for those lost, the average amount received for them, and also the character of the mules taken from him by the Indians.

The evidence also is quite clear and positive in regard to the damage sustained by the claimant by reason of the depredation, apart from his loss of property.

Allowing him the full amount claimed for the mules and other property shown to have been lost, as well as the difference claimed by him in those sold and the price of his own mules, it is believed would, under all the circumstances, be a fair settlement of his claim.

The property shown to have been lost is valued at \$14,732.50. Deducting therefrom \$2,880, the amount received by him for the mules and horse sold, would leave \$11,852.50, and I respectfully recommend that the claim be allowed for that amount.

Very respectfully, your obedient servant,

EDWD. P. SMITH,  
*Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., February 9, 1874.

SIR: I have the honor to submit herewith a claim of Henry Warren for \$10,352.50, on account of a depredation alleged to have been committed by Cheyenne Indians in 1871.

Mr. Warren, in June, 1870, was awarded the contract for furnishing corn to the quartermaster's department at Fort Griffin, and alleges that by reason of the frequent Indian raids along some portions of the route in that part of Texas through which the corn was to be transported, it was difficult to secure the aid required and the means of transportation; that men would not risk their lives and property on so dangerous a route without military protection, and, consequently, exorbitant rates of freight were charged. To obviate the necessity of paying these rates, and to be enabled to comply with the terms of his contract promptly, he purchased American mules and his whole outfit in Saint Louis and placed them upon the road.

On the 18th of May, 1871, while his train was passing over the most dangerous part of the route to the fort, it was attacked by a large band of Kiowas under the lead of Sa-tai-ta, who killed seven of the teamsters, sacked and pillaged the wagons, and drove off 41 mules. The particulars in regard to this depredation may be seen in report to the department, dated September 29, 1873.

Claimant avers that by reason of this depredation he was obliged to raise money at a ruinous sacrifice to fulfill his contract, and that he had hardly recovered from this disaster when, on the 25th of August, 1871, a band of Cheyennes made an attack upon one of his other trains, at a point about 10 miles distant from the scene of the former raid, and captured 21 mules, valued at \$200 each, and one mare valued at \$175. His train being partly broken up by the loss of the mules, he was obliged to abandon part of the loading, and claims that the corn was all more or less injured by the delay on the road, and that apart from the loss of mules he was damaged in the detention of the train, in wagons, loss of corn, &c., to the amount of \$5,977.50.

A number of witnesses verify the statements of claimant with regard to the capture of the mules, and the damages sustained by him.

It appears from the evidence that the Indians delivered over to their agent 12 mules for Mr. Warren, and he admits that he received that number, but asserts that they were an inferior class of animals to those lost—Mexican and broken-down government mules—and that they were delivered to his agent, Mr. Du Bose, at the reservation, 200 miles from his, claimant's, residence, and after they arrived at the latter place were appraised at \$80 per head, and sold for that sum.

The evidence of Mr. Du Bose and others confirms claimant's statement as to the class of animals delivered to him in exchange for those lost, the average amount received for them, and also the character of the mules taken from him by the Indians.

Allowing him the full amount claimed for the mules and mare, and the difference claimed by him in those returned and sold, and the price of his own mules, and \$600 for corn lost, and damages to wagons, it is believed, would, under all the circumstances, be a fair settlement of his claim.

The property shown to have been lost and damaged, as above indicated, amounts to \$4,975. Deducting therefrom \$900, the amount received by him for the mules sold, would leave \$4,015; and I respectfully recommend that the claim be allowed for that amount.

Very respectfully, your obedient servant,

EDWD. P. SMITH,  
*Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.



WAR DEPARTMENT,  
Washington City, May 22, 1880.

SIR: In response to your letter of the 16th ultimo, requesting information regarding orders to post commanders, &c., to furnish escorts to contractors' supply trains in districts liable to Indian raids, I have the honor to inclose herewith copies of all orders in the premises issued by the commanding general Department of the Missouri.

The contracts for transportation in the Department of Texas for the years 1862, 1869, 1870, and 1871, specify that contractors shall be furnished with suitable escorts for protection of supplies, when the amount transported is 125,000 pounds or less; when that amount is exceeded, then no escort to be furnished.

Very respectfully, your obedient servant,

ALEX. RAMSEY,  
*Secretary of War.*

HON. RICHARD COKE,  
*Chairman Committee on Indian Affairs, United States Senate.*

(General Order No. 27.)

HEADQUARTERS DEPARTMENT OF THE MISSOURI,  
*Saint Louis, Mo., February 28, 1866.*

For the security of trains and travelers crossing the Great Plains during the coming season, the following rules are published and will be enforced by all commanders of military posts in that region:

I. Fort Ridgley and Fort Abercrombie are designated as points of rendezvous for all trains or travelers pursuing the routes from Minnesota to the mining regions of Montana, by way of Fort Berthold, Fort Union, and the valley of the Upper Missouri and Yellowstone Rivers; and to the same region by way of Sioux Falls, Fort Pierre, the Black Hills, and Powder River. This latter route is believed to be safe to travel as far as Fort Pierre or Crow Creek, on the Missouri River, even for small parties. Beyond the Missouri River all precautions herein indicated must be taken.

In like manner, Fort Kearney is designated as the point of rendezvous for all trains destined for Denver City or Fort Laramie, by way of the Platte River route; and Fort Riley and Fort Larned as the rendezvous for trains for New Mexico, and for Denver City or other points in Colorado, by the Smoky Hill or Arkansas River routes. These points can be reached from the Missouri River without danger.

II. At the posts above designated, all trains will be organized for defense by electing a captain and other officers, and organizing the teamsters, employes, and any other persons traveling with or belonging to the train, into one or more companies. Every person who accompanies a train must be properly armed for defense, and must submit himself during the journey to such regulations as the captain of the train shall lay down, and perform such duties, as guards, sentinels, herdmen, &c., as may be designated by the same authority. No train consisting of less than twenty wagons and thirty armed men, organized as above indicated, will be permitted to pass into the Indian country; and during the transit across the plains these trains will be held responsible for the faithful observance of the rules and regulations laid down and the treaties with the Indian tribes through whose country they are passing.

III. The commanding officer of each military post on any of the routes west of the posts herein indicated as rendezvous is directed to inspect each train which passes his post sufficiently to assure himself that the military organization herein specified has been made, and that the usual precautions against Indian attacks or surprises have been carefully observed. When it is found that the provisions of this order have not been complied with, the train in which such neglect occurs will not be permitted to pass beyond the military post where it is discovered until it is made manifest to the commanding officer that such neglect will not occur again. The commanding officer who discovers this neglect will also report the facts to the commander of the next post on the route, in order that careful examination of the train may again be made at that post.

IV. All persons traveling across the plains, except those belonging to the military service of the United States, and such as are transported in the mail coaches or other conveyances on the overland routes, must join themselves together in a military organization, consisting of not less than thirty armed men, or must connect themselves with some train.

V. No persons will be permitted to enter the Indian country unless they comply with the provisions of this order; and commanding officers of the military posts as far west as Washington Territory, the State of Nevada, and the Territory of Arizona, will arrest and hold all persons attempting to cross the plains in any other manner than that herein specified.

VI. Whenever a military escort is thought necessary, the commanding officer of the military post beyond which such escort may be required will notify the captains of trains of the fact, and will furnish a sufficient escort, in addition to the force with the train, to protect it to the next military post, when, if necessary, another escort will be furnished; and these escorts will be supplied from one post to another in this manner until the point of danger is passed.

VII. Whenever an attack is made by Indians upon any train pursuing the overland routes, or traveling elsewhere on the plains, the commanding officer of the nearest military post will furnish prompt assistance, and will immediately report the facts in the case to these headquarters, specifying particularly whether the party attacked had complied with these rules and had made as good defense as could be expected.

VIII. These regulations will be enforced in like manner upon all returning trains, which will be organized in conformity thereto at the military post nearest to their points of departure from the settlements.

IX. All commanding officers of military posts on the plains are charged with and will be held responsible for the faithful execution of this order; and on no pretext should they fail carefully to inspect every train or party of travelers which passes through or within reach of the posts under their command. Whilst every assistance at their command will be furnished by the commanders of military posts which may facilitate or render secure the transit of emigrants or supply trains across the great plains, these officers are also charged with the responsibility of exacting from these parties a strict observance of all proper precautions against Indians, and of requiring that such parties be prepared to protect themselves as far as may be in their power.

X. It is not practicable, with the military forces within this department, to render every foot of the overland routes entirely secure against Indian hostilities; and, whilst the military forces will be disposed and used in the manner which seems best adapted to protect parties of travelers, such parties must, between the military posts, rely much upon their own organization and means of defense. As the government provides such protection for emigrants and trains as it is practicable to do without ruinous expense, and as the military forces are held largely responsible for any misfortunes which may befall such parties from Indian attacks, they claim and will exercise the right to lay down rules for such journeys, made within the Indian country and the jurisdiction of the military authorities, as may be considered necessary to provide against danger and at the same time not be oppressive or embarrassing to emigration or travel.

The above regulations are thought reasonable and easy to observe, and, if complied with, are considered sufficient, with the presence and aid of the troops at important points, to render travel across the plains reasonably secure. They are therefore published for the information of all concerned, and will be strictly enforced.

By command of Major-General Pope.

J. P. SHERBURNE,  
*Assistant Adjutant General.*

[General Orders No. 59.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,  
*Fort Leavenworth, Kan., February 25, 1857.*

I. General Order No. 27 (Major-General Pope's series), from these headquarters, dated February 24, 1856, is hereby modified to correspond with the recent changes in the limits of this department, and as follows:

1st. Fort Larned is designated as the point of rendezvous for trains *en route* to New Mexico via the Arkansas and Cimarron route, also to points in Colorado, via the Arkansas River; Fort Harker, for trains *en route* to Denver City or other points in Colorado and westward, via the Smoky Hill route; and Fort Riley, for all trains via the Republican Fork to points on the Platte. These posts can now be reached from the Missouri River without danger. In case of Indian hostilities occurring hereafter in the neighborhood of Forts Larned or Harker, Fort Riley is designated as the point of rendezvous for all trains going west in this department.

2d. At the posts above designated all trains will be organized for defense by electing a captain and other officers, and organizing the teamsters, employes, and any other persons traveling with or belonging to the train into one or more companies. Every person who accompanies a train must be properly armed for defense, and must submit himself during the journey to such regulations as the captain shall lay down, and perform such duties as guards, sentinels, herdmen, &c., necessary to the safety of the train as may be assigned him by the same authority.

The commanders of the posts named as rendezvous, being on the spot, are the best judges as to the proper constitution of the trains as to numbers at any particular date, but no trains of less than twenty wagons and thirty armed men should be permitted

to pass into the Indian country. During the transit across the plains these trains will be held responsible for the faithful observance of the rules laid down and of the treaties with the Indian tribes through whose country they are passing.

3d. The commanding officer of each military post on any of the routes west of the posts herein indicated as rendezvous is directed to inspect each train which passes his post sufficiently to assure himself that the military organization herein specified has been made, and that the usual precautions against Indian attacks or surprises have been carefully observed. When it is found that the provisions of this order have not been complied with, the train in which such neglect occurs will not be permitted to pass beyond the military post where it is discovered until it is made manifest to the commanding officer that such neglect will not occur again. The commanding officer who discovers this neglect will also report the facts to the commander of the next post on the route, in order that careful examination of the train may again be made at that post.

4th. All persons traveling across the plains, except those belonging to the military service of the United States and such as are transported in the mail coaches or other conveyances on the overland routes, must join themselves together in a military organization, consisting of not less than thirty armed men, or must connect themselves with some train.

5th. Whenever a military escort is thought necessary, the commanding officer of the military post beyond which such escort may be required will notify captains of trains of the fact, and will furnish a sufficient escort in addition to the force with the train to protect it to the next military post, when, if necessary, another escort will be furnished, and these escorts will be supplied from one post to another in this manner until the point of danger is passed.

6th. Whenever an attack is made by Indians upon any train pursuing the overland routes, or traveling elsewhere on the plains, the commanding officer of the nearest military post will furnish prompt assistance, and will immediately report the facts in the case to these headquarters, specifying particularly whether the party attacked had complied with these rules, and had made as good defense as could be expected.

7th. These regulations will be enforced in like manner upon all returning trains, which will be organized in conformity thereto at the military post nearest to their points of departure from the settlements.

8th. All commanding officers of military posts on the plains are charged with and will be held responsible for the faithful execution of this order; and on no pretext should they fail carefully to inspect every train or party of travelers which passes through or within reach of the posts under their command. Whilst every assistance at their command will be furnished by the commanders of military posts which may facilitate or render secure the transit of emigrant or supply trains across the great plains, these officers are also charged with the responsibility of exacting from these parties a strict observance of all proper precautions against Indians and of requiring that such parties be prepared to protect themselves as far as may be in their power.

9th. It is not practicable, with the military force within this department, to render every foot of the overland routes entirely secure against Indian hostilities; and, whilst the troops will be disposed and used in the manner which seems best adapted to protect parties of travelers, such parties must, between the military posts, rely much upon their own organization and means of defense. As the government provides such protection for emigrants and trains as it is practicable to do without ruinous expense, and as the military authorities are held largely responsible for any misfortunes which may befall such parties from Indian attacks, they claim and will exercise the right to lay down such rules for journeys, made within the Indian country and within their jurisdiction, as may be considered necessary to provide against danger and at the same time not be oppressive or embarrassing to emigration or travel.

II. The above regulations are thought reasonable and easy to observe, and, if complied with, are considered sufficient, with the presence and aid of the troops at important points, to render travel across the plains reasonably secure. They are therefore published for the information of all concerned, and will be strictly enforced.

By command of Major-General Hancock:

CHAUNCEY MCKEEVER,  
*Assistant Adjutant-General.*

[General Orders No. 24.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,  
*Fort Leavenworth, Kans., August 1, 1870.*

Hereafter commanders of posts from which supply trains for other posts set out will be responsible for sending and properly protecting such trains to the next post en route to their destination.

For this purpose the quartermaster at any post or depot will, as soon as the train

is loaded, report the fact to the commander of the post, who will then consider himself responsible for the train until it is turned over to the next post commander.

He will, if he thinks it necessary, furnish a proper escort and direct the movements of the train until it reaches the post nearest his own *en route*.

Upon arriving at the next post, the commander of the escort will report to the post commander and turn over the train to him to be forwarded to the next post, and will then return with his escort to his proper station.

This course will be pursued by each post commander in succession until the train reaches its destination.

With loading and reporting the train to the post commander the functions of the post or depot quartermaster in respect to that train will cease.

The post commander will be the sole judge of the necessity of an escort and of its strength, and will be responsible for the safe delivery of the train at the next post on the route to its destination.

By command of Brevet Major-General Pope:

W. G. MITCHELL,  
*Brevet Colonel, U. S. A., Acting Assistant Adjutant General.*

[General Orders No. 31.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,  
*Fort Leavenworth, Kans., October 27, 1870.*

The following instructions, in addition to those contained in General Orders No. 24, current series, from these headquarters, relative to escorts for supply trains in this department, are published for the information and guidance of all concerned.

Commanders of posts from which supply trains are sent will, as far as possible, concentrate such trains, and thus avoid the necessity for furnishing many small escorts, and when it is possible to do so without manifest injury to the service, a commissioned officer will be placed in command of each escort and train, who will be held rigidly accountable for any loss of public animals or other property belonging to such train while in his charge, and from such accountability he will not be relieved unless he can clearly show that all proper and necessary military precautions were taken to protect the public property under his charge.

By command of Brigadier General Pope:

W. G. MITCHELL,  
*Brevet Colonel, U. S. A., Acting Assistant Adjutant General.*

[Special Field Orders No. 11.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,  
*In the Field, Fort Hays, Kans., September 23, 1868.*

I. The commanding officer Fort Dodge will furnish one non-commissioned officer and ten men as a guard to proceed, on its arrival at that post, with a contractor's train to Fort Hays.

On the completion of this escort duty, this detachment will return with the train to Fort Dodge.

By command of Major-General Sheridan:

J. SCHUYLER CROSBY,  
*Acting Assistant Adjutant-General.*

Official copies.

R. C. DRUM,  
*Assistant Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, *May 22, 1870.*

*The Committee on Indian Affairs, to whom was referred the claim of Henry Warren for loss of property and damages sustained by reason of depredations alleged to have been committed by Kiowa and Comanche Indians, amounting to \$29,734.50, have had the same under consideration, and submit the following report:*

The claimant in June, 1870, was awarded the contract for furnishing corn for the Quartermaster's Department at Fort Griffin, Texas. He alleges that, owing to the fact that over some ninety miles of uninhabited country over which the corn had to be transported in order to reach the fort, it was difficult for him to procure transport-

ation; that men would not risk their lives and property without military protection; and consequently exorbitant rates were charged; that in order to obviate the necessity of paying these ruinous local rates he sent to Saint Louis and purchased his own wagons and mules and put them upon the road, in order that he might comply promptly with the terms of his contract.

It appears that it was understood by contractors that in case of danger of raids being made by Indians, that they were to have suitable escorts to protect the trains and supplies transported. (See copy of telegram furnished the committee by the Secretary of War, hereto attached, marked C.)

Rumors of Indian raids having reached claimant, he applied to the commander at Fort Griffin for an infantry escort, but the soldiers could not be spared from the fort, and a sufficient number of carbines were supplied to arm each teamster.

After a careful examination of all the evidences, reports, and correspondence filed in this case, we find the facts and circumstances correctly stated in the report of the Committee on Indian Affairs of the House of Representatives of the first session of the Forty-third Congress, made by the Hon. Mr. Giddings, which the committee adopt, as follows:

"On the 18th day of May, 1871, while the train of ten four-mule wagons, loaded with 550 bushels of corn, was traveling the road from Weatherford, Texas, to Fort Griffin, to comply with his contract with the Quartermaster's Department, it was suddenly attacked by about one hundred and fifty Indians, under the lead of Santanta, and the wagon-master and six of the teamsters murdered, without any sort of provocation whatever; the train pillaged; the animals killed or driven off; the corn scattered upon the ground and so damaged by a heavy rain that after being hauled to the fort the remnant was sold for \$20; the harness, wagon-sheets, and everything that could be, were carried off; the wagons cut in pieces and so injured the the remnant of the ten wagons was sold for \$500.

"Claimant alleges that by reason of the wagons being left in a desert country, some 65 miles from the fort, he was put to great expense in procuring teams to haul in the remnant of the train, and in procuring corn to fill his contract, which he did to the satisfaction of the quartermaster in charge, to which he certifies. Claimant submits a schedule of property other than the mules taken and destroyed at the time, which he estimates at \$6,532.50; he also claims consequential damages in the amount of \$15,000 on account of interruption of business, and the hire of transportation at heavy expense; that he had to raise money at heavy rates to enable him to comply with his contract with the government.

"There is no doubt as to the facts in relation to the depredation, and that it was committed by the Kiowas and Comanches, under the lead of Santanta and Big-Tree. They went with the stolen property direct to Fort Sill Reservation, and in presence of the Indian agent and General Sherman boasted of it. Santanta and Big-Tree were, by order of General Sherman, arrested, indicted, and tried by the civil authorities, and convicted of murder and condemned to be hanged, but the sentence was commuted to imprisonment for life at the instance of the Indian Department, and subsequently released and are now at large.

"A large number of witnesses verify the statement of the claimant as to all the facts and amount of damage sustained and value of property taken and destroyed. It is shown that the claimant is a man of good standing; that he served as an officer in the Union Army during the late war; that by reason of the depredations of Indians he has been reduced from an easy and comfortable competence to absolute want, and is now working on a small salary affording barely a support.

"It appears that the Indians delivered to their agent, for claimant, thirty-five mules and one horse; and he admits having received that number, but asserts that most of them were inferior to those lost, some of them Mexican or Indian mules, and others broken-down government mules; that two have been proven and taken from him by the El Paso Stage Company, as their property, and two having the government brand were seized by the United States quartermaster at Fort Richardson, as the property of the government, while those taken were large American mules; that those delivered to his agent at the reservation, two hundred miles from Weatherford (claimant's home), in midwinter, after they arrived at Weatherford, were appraised by disinterested parties at an average of \$40 per head and sold at that price.

"Claimant also submits a claim for \$10,353.50 for damages alleged to have been sustained by reason of an attack upon another of his trains while in the employment of the government, in supplying corn under the same contract, and within ten miles of the place where the other train was captured. That on the 25th of August, 1871, a band of Cheyennes made an attack upon his train, and captured twenty-one mules, valued at \$200 each, and one mare, valued at \$175. His train being partly broken up by the loss of his mules, he was obliged to abandon a part of his loading, and claims that the corn was all more or less injured, and that he was further damaged in detention of train, loss of corn, &c., to the amount of \$5,977.50.

"A number of witnesses verify statement of claimant in regard to capture of same, and damages sustained.

"The Indians also admit making the capture, and delivered to their agent twelve mules, for Mr. Warren, and he admits having received that number, but avers they were of an inferior class, being small Mexican or Indian mules and broken-down government mules, and that they were delivered to his agent at the reservation, two hundred miles from his home, and when they arrived at the latter place they were appraised by disinterested parties at \$80 per head, and sold at that price. The evidence fully sustains the statement of claimant as to the class of mules taken and returned to him by the agent of the Indians.

"The evidence is positive and conclusive as to the capture by the Indians named in both cases, who were in amity with the United States and the recipients of its bounty upon the reservation, and bound, by treaty stipulations, to pay out of their annuities all losses sustained by depredations committed by them, and also that they had no provocation whatever, and that the depredations were committed within the State of Texas, and about one hundred and fifty miles from the lawfully recognized habitation or hunting-grounds of the Indians; and further, that the attack was made under the lead of the chiefs who signed the treaty of 1868, and falls clearly within the purview of the acts of 1802 and 1834.

"This claim has been fully investigated by the Indian agent, the Commissioner of Indian Affairs, and Secretary of the Interior. The letters of the Secretary of the Interior and Commissioner of Indian Affairs are herewith submitted, marked A and B.

"The committee concur in the recommendation of the Secretary of the Interior, in the justice of claimant's demand and liability of the government to pay the actual damages shown by the evidence to have been sustained, disallowing all claim for consequential damages, though the proof shows heavy losses over and above the value of the property taken and destroyed.

"Allowing the claimant the value of his property, as shown by the evidence, which was taken and destroyed, and deducting therefrom the value of the property returned by the Indians through their agent, we find due claimant the sum of \$15,867.50, and herewith submit the accompanying bill and recommend its passage.

"W. W. WILSHIRE."

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[House report No. 227, Forty-fifth Congress, second session.]

FEBRUARY 15, 1878.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HOOKER, from the Committee on Indian Affairs, submitted the following report (to accompany bill H. R. 689).

The Committee on Indian Affairs report back to the House the bill (H. R. 689) for the relief of Henry Warren, with a favorable recommendation, and that the said bill be so amended as to strike out the word "fifteen" and insert the word *fourteen* in line 5 of printed bill; and to strike out the words "eight" and "sixty-seven," in lines 5 and 6, and insert the words *seven* and *thirty-four* in said lines; and that the words "eight" and "fifty-two" and "fifty," in lines 15 and 16, be stricken out, and in lieu thereof the words *five, eighty-seven*, and *two* be inserted instead in said lines 15 and 16; and that the words "four thousand and fifteen dollars," in lines 17 and 18, be stricken out, and that the words *three thousand one hundred and forty-seven dollars and forty-eight cents* be inserted in lieu thereof, and that the bill as so amended do pass.

We find that this bill was favorably reported to the Forty-third Congress by the Hon. Mr. Giddings, and also favorably reported by Hon. Mr. Wiltshire, to the Committee on Indian Affairs, and the substance of said former reports is hereby embodied and made part of this report.

All of which is respectfully submitted.

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[House report No. 256, Forty-sixth Congress, second session.]

FEBRUARY 13, 1880.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HASKELL, from the Committee on Indian Affairs, submitted the following report (to accompany bill H. R. 1407).

*The Committee on Indian Affairs, having had under consideration bill H. R. 1047, submit the following report:*

The claimant, in June, 1870, was awarded the contract for furnishing corn for the Quartermaster's Department at Fort Griffin, Tex. He alleges that, owing to  
S. Rep. 551, pt. 2—2

fact that over some ninety miles of uninhabited country over which the corn had to be transported in order to reach the fort, it was difficult for him to procure transportation; that men would not risk their lives and property without military protection, and consequently exorbitant rates were charged; that in order to obviate the necessity of paying these ruinous local rates he sent to Saint Louis and purchased his own wagons and mules and put them upon the road, in order that he might comply promptly with the terms of his contract.

Rumors of Indian raids having reached him, he applied to the commander at Fort Griffin for an infantry escort, but the soldiers could not be spared from the fort, and a sufficient number of carbines were supplied to arm each teamster.

On the 18th day of May, 1871, while the train of ten four-mule wagons, loaded with 550 bushels of corn, was traveling the road from Weatherford, Tex., to Fort Griffin, to comply with his contract with the Quartermaster's Department, it was suddenly attacked by about one hundred and fifty Indians, under the lead of Santanta, and the wagon-master and six of the teamsters murdered, without any sort of provocation whatever; the train pillaged; the animals killed or driven off; the corn scattered upon the ground, and so damaged by a heavy rain that after being hauled to the fort the remnant was sold for \$20; the harness, wagon-sheets, and everything that could be, were carried off; the wagons cut in pieces and so injured that the remnant of the ten wagons was sold for \$500.

Claimant alleges that by reason of the wagons being left in a desert country, some 66 miles from the fort, he was put to great expense in procuring teams to haul in the remnant of the train and in procuring corn to fill his contract, which he did to the satisfaction of the quartermaster in charge, to which he certifies. Claimant submits a schedule of property other than the mules taken and destroyed at the time, which he estimates at \$6,532.50; he also claims consequential damages in the amount of \$15,000 on account of interruption of business and the hire of transportation at heavy expense; that he had to raise money at heavy rates to enable him to comply with his contract with the government.

There is no doubt as to the facts in relation to the depredation, and that it was committed by the Kiowas and Comanches, under the lead of Santanta and Big Tree. They went with the stolen property direct to Fort Sill Reservation, and in presence of the Indian agent and General Sherman boasted of it. Santanta and Big Tree were, by order of General Sherman, arrested, indicted, and tried by the civil authorities, and convicted of murder, and condemned to be hanged, but the sentence was commuted to imprisonment for life at the instance of the Indian Department, and subsequently released, and are now at large.

A large number of witnesses verify the statement of the claimant as to all the facts and amount of damage sustained and value of property taken and destroyed. It is shown that the claimant is a man of good standing; that he served as an officer in the Union Army during the late war; that by reason of the depredations of Indians he has been reduced from an easy and comfortable competence to absolute want, and is now working on a small salary, affording barely a support.

It appears that the Indians delivered to their agent, for claimant, thirty-five mules and one horse; and he admits having received \$2,880 for them when sold in market.

The property shown to have been lost is valued at \$14,732.50. Deducting therefrom \$2,880, proceeds of the sale of the recovered animals, would leave \$11,852.50, which the committee recommend to be paid claimant for loss sustained from the attack of the Kiowas and Comanches, less \$1,000 deducted from the gross amount of bill, to cover all questions as to value of property lost as itemized in Mr. Warren's schedule.

The committee submit in this connection a letter from E. P. Smith, Commissioner of Indian Affairs, to the Hon. Secretary of the Interior, under date of September 20, 1873, which is marked Exhibit B.

Claimant also submits a claim of \$10,353.50 for loss sustained by reason of an attack upon another of his trains, employed under the same contract, and within ten miles of the place where the former attack was made. This last was by a band of Cheyenne Indians, which captured while on herd near the train, on the 25th of August, 1871, 21 mules and 1 mare; mules valued at \$200, the mare at \$175.

The claimant's train was partly broken up; he was obliged to abandon part of his loading, all of which he avers was injured, and he submits that he was thus damaged by detention, loss of corn, &c., \$5,977.50, in addition to the loss of the animals.

The committee allow for damages to wagons and loss of corn, \$600; 21 mules, at \$200, \$4,200; 1 mare, \$175; total, \$4,975.

From the evidence submitted, it appears that in this case 12 mules were recovered from the Indians and delivered to claimant, for which he received \$960. Deducting this amount from the total above stated, would leave \$4,015, which the committee recommend to be paid on this branch of the claim.

The evidence is positive and conclusive as to the capture by the Indians named in both cases, who were in amity with the United States and the recipients of its bounty upon the reservation, and bound by treaty stipulations to pay out of their annuities

all losses sustained by depredations committed by them, and also that they had no provocation whatever, and that the depredations were committed within the State of Texas, and about one hundred and fifty miles from the lawfully recognized habitation or hunting-grounds of the Indians; and, further, that the attack was made under the lead of the chiefs who signed the treaty of 1868, and falls clearly within the purview of the acts of 1802 and 1834 and section 2156 of the Revised Statutes.

This claim has been fully investigated by the Indian agent, the Commissioner of Indian Affairs, and the Secretary of the Interior.

The evidence submitted in this entire claim is clear and conclusive on every point. There is no doubt that claimant suffered heavy consequential damages, but none have been allowed by the committee.

It appears also that it was the understanding with the contractor that he was to be given a military escort. (See telegram by Secretary of War herewith submitted.) None was provided, as no troops could be spared from other duty. The teamsters were, however, provided with arms by the military authorities.

The committee recommend the passage of the accompanying bill.

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[Telegram.]

SAN ANTONIO, *February 14, 1876.*

ADJUTANT-GENERAL,  
*Washington, D. C. :*

Articles 10 and 11 of contracts for years 1868, 1869, 1870, and 1871, state that contractors shall be furnished with suitable escorts for protection of supplies, when amount transported is 125,000 pounds or less; when that amount is exceeded, then no escort to be furnished. No other order or instructions seem to have been given by the department commander during these years.

TAYLOR,  
*Assistant Adjutant-General,  
In the absence of the Department Commander.*

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IN THE SENATE OF THE UNITED STATES.

APRIL 30, 1880.—Ordered to be printed.

Mr. CALL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 21.]

*The Committee on Pensions, to whom was referred the bill (S. 21) granting a pension to Louisa Bainbridge Hoff, respectfully report:*

That Commodore Henry Kuhn Hoff served for many years in the United States Navy with great distinction, and died of disease contracted in the service and in the line of duty, in the year 1878, he holding at that time the rank of commodore.

The bill grants a pension to his widow, at the rate of \$50 per month instead of \$30, the rate now allowed by law.

In consideration of the great length of time during which Commodore Hoff served his country, and of the distinguished character of his services, the committee recommend the passage of the bill.

This bill has been favorably reported and was passed by the Senate, and favorably reported by the House committee at the last session of Congress, but was not reached in the call of the Calendar before adjournment.





IN THE SENATE OF THE UNITED STATES.

APRIL 30, 1880.—Ordered to be printed.

Mr. BOORH, from the Committee on Public Lands, submitted the following

REPORT :

[To accompany bill S. 858.]

*The Committee on Public Lands, to whom was referred the bill (S. 989) entitled "A bill for the relief of settlers on the public lands and to provide for the repayment of certain fees and commissions paid on void entries of public lands," have considered the same, and report as follows :*

It appears that under the act of March 3, 1873, entitled "An act to amend an act entitled 'An act to enable honorably-discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States,' and amendments thereto," now incorporated in section 2306 of the Revised Statutes of the United States, fees and commissions, amounting to \$22, for the location of eighty acres of land, were charged by the local land-officers, under instructions from the Commissioner of the General Land Office.

Neither the act of March 3, 1873, nor section 2306 of the Revised Statutes of the United States requires the collection of any fees or commissions whatever upon entries made thereunder. Such fees and commissions are only authorized by law and required upon original homestead entries ; but section 2306 confers a right of entry, limited only to the person who has already done the preliminary acts of entry required under the homestead law and to the quantity of land to be obtained. No additional conditions are imposed by section 2306 and no additional fees authorized.

All the rules which have been prescribed by the Commissioner of the General Land Office requiring such payment are purely arbitrary, and we do not think the Commissioner can lawfully prescribe rules regulating fees or commissions to be paid which are not authorized by law.

It also appears that under a printed circular of instructions by the Commissioner of the General Land Office, dated August 5, 1874, the beneficiaries under said act of March 3, 1873, and section 2306, Revised Statutes, were permitted to make the proofs of their right of entry before any clerk of a court of record, and upon such papers, purporting to be such proofs, entries were allowed by the local land-officers anywhere in the United States upon presentation of such papers, *without further certification*, and payment of the fees and commissions required.

Under said instructions the beneficiaries would make the proofs of their right to make such entry, together with an application signed in blank. They would then also execute a power of attorney to some person to make the entry, and another power of attorney to sell the land

when entered, and these papers soon found ready sale, especially in localities where lands were not subject to sale for cash, and of such a character as to make it difficult to obtain them under either the pre-emption or homestead laws, such as timber or grazing lands.

The usual manner of disposing of these claims was as follows: The papers were sent out to some attorney or land agent by attorneys or land agents where the beneficiaries resided. If a person wished to acquire a tract of land, he would go to the attorney who kept these claims for sale and furnish a description of the lands desired by him, which description the attorney would insert in the application accompanying these proofs of right of entry. The purchaser would then pay to the attorney the sum demanded for the claim, usually \$2.50 per acre, and would then proceed with the attorney to the United States land-office, where the attorney would present the papers, and the purchaser would pay the fees and commissions required to the receiver in the name of the beneficiary mentioned in the proofs, and the register would make the entry of the land upon the records and plats in his office, and issue a certificate reciting that the person in whose name the entry was made was entitled to a patent for said land upon presentation of said certificate to the Commissioner of the General Land Office. The attorney would then execute a deed to the purchaser as the attorney in fact for the beneficiary.

The said instructions of the General Land Office in regard to the manner of locating these claims, allowing proof of the right before a clerk of a court, afforded an opportunity for forging papers and simulating proofs of which unscrupulous parties availed themselves. These frauds were facilitated by the fact that the localities where these claims found the most ready sale were thousands of miles distant from the places where the most of the beneficiaries resided. The local land officers had no means to verify the proofs offered, but if they appeared regular upon their face, they were, under the instructions above mentioned, compelled to allow the entry thereon. The purchaser usually purchased these claims or the land upon the faith of the indorsements thereon made by the land-officers and upon the faith of the certificates issued by them.

In due time the forged papers upon which entries had been allowed reached the General Land Office, and then the forgeries were detected after a time and the entries made thereon canceled, but not until so long afterward that the swindlers had ample opportunity to get beyond reach.

The government received considerable sums in payment of fees and commissions upon these void entries, which were paid by innocent parties in good faith.

Nothing was needed but a carefully-considered manual of instructions to give effect to the act, which would have given ample protection to the government and the individual, and such instructions were issued on May 17, 1877; and it is believed such frauds have not since then occurred.

The act of March 3, 1873, or section 2306 of the Revised Statutes, places no restrictions upon the beneficiaries in respect to the right of transfer. The act conferred a gratuity without restriction, and as its provisions were limited to persons who had already previously acquired homes, it is evident that no restrictions should have been placed upon the beneficiary's right to sell his claim, as the gratuity would be of no value to him unless he could dispose of it. Whatever of interest the act conferred was absolute, and subject to be enjoyed in any manner not repugnant to law. The courts have decided that an inchoate right

to land is property, and as such transferable, unless there is some provision in the act conferring the right which forbids the transfer. We have only alluded to this phase of the matter to show that the victims of these frauds were not wrong-doers by purchasing these claims, but that their part of the transaction was legal.

The committee is of the opinion that the victims of these frauds are entitled to a repayment from the government of the fees, commissions, and excess payments paid by them upon these void entries, and that the government ought to repay said amounts.

The second section of the bill provides for the repayment of fees and commissions and excess payments upon entries which have been erroneously allowed, or which cannot be confirmed by reason of conflict with prior claims.

As the law now stands, such fees, commissions, and excess payments, although erroneously paid and received, cannot be repaid.

It frequently happens that homestead or timber-culture entries are found to conflict with prior railroad pre-emptions, State, or other claims to land. These entries, having been erroneously allowed, cannot be confirmed and have to be canceled, and there is no authority for repaying the fees, commissions, and excess payments, which have been covered into the Treasury.

The laws relating to repayments for lands erroneously sold by the United States were enacted long before the homestead, timber-culture, and other laws for disposing of public lands, and while the cash-sale system was alone in operation, and do not provide for repayment of fees, commissions, and excess payments on such entries. The equities, however, are precisely the same in both cases.





IN THE SENATE OF THE UNITED STATES.

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APRIL 30, 1880.—Ordered to be printed.  
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Mr. INGALLS, from the Committee on Pensions, submitted the following

R E P O R T :

*The Committee on Pensions, to whom was referred the petition of Peter Yarnell, submit the following report :*

Yarnell was granted pension by special act, and prays that he may be allowed arrears.

Under the law and the precedents hitherto established, the committee cannot recommend favorable action, and they ask that the petition may be indefinitely postponed.

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IN THE SENATE OF THE UNITED STATES.

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APRIL 30, 1880.—Ordered to be printed.

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Mr. CALL, from the Committee on Pensions, submitted the following

REPORT:

*The Committee on Pensions, to whom was referred the petition of Wm. A. Rogers praying for a pension, have carefully examined the same, and report:*

That the petitioner has never made application to the Commissioner of Pensions, and he admits he did not serve fourteen days. The committee therefore report adversely on the petition, and recommend that it be indefinitely postponed.

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IN THE SENATE OF THE UNITED STATES.

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APRIL 30, 1870.—Ordered to be printed.

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Mr. KIRKWOOD, from the Committee on Pensions, submitted the following

REPORT:

*The Committee on Pensions, to whom was referred the petition of Martin Price for a pension, have carefully examined the same, and report:*

While the evidence in the case makes it somewhat probable that petitioner has a just claim to a pension, yet it is so confused, uncertain, and imperfect, the committee do not feel justified in recommending that a pension be granted, and therefore ask to be discharged from the further consideration of the petition.

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IN THE SENATE OF THE UNITED STATES.

APRIL 30, 1860.—Ordered to be printed.

Mr. INGALLS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1432.]

*The Committee on Pensions submit the following report :*

Angus McAuley was a soldier in the Seminole and Creek Indian war, and was pensioned at \$2 per month from February 7, 1859. He was dropped from the rolls by reason of his residence within the limits of the insurrectionary States. He asks that he may be restored, and files evidence that he did not perform military service in the Confederate army. The committee recommend the passage of the bill with the following amendments: In line 4 strike out the words "place on" and insert "restore to"; in line 7, before "war" insert the words "Creek Indian"; strike out all after the word "war" in line 7, and insert "and pay him a pension from and after the passage of this act."



IN THE SENATE OF THE UNITED STATES.

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APRIL 30, 1880.—Ordered to be printed.

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Mr. KELLOGG, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1697.]

*The Committee on Pensions, to whom was referred the petition of Matthew O'Reagan for pension, have carefully examined the same, and report:*

That the petitioner was a soldier in the military service of the United States, and, when in the service and the line of his duty, was wounded in the right hand and arm. The arm was amputated just below the elbow, so that he cannot use the forearm. He is now receiving a pension of \$18 per month, but because he has no use of the forearm asks an increase of pension to \$24 per month; and the committee, being of opinion that his case is fully within the reason and equity of the act, recommend the passage of the accompanying bill.

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IN THE SENATE OF THE UNITED STATES.

APRIL 30, 1880.—Ordered to be printed.

Mr. CALL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1698.]

*The Committee on Pensions, to whom was referred the petition of George J. Webb, praying for an increase of pension, have carefully examined the same, and report:*

That the petitioner, a soldier of the One hundredth New York Volunteers, is now the recipient of a pension of \$12 per month, granted for a grape-shot wound in the head, received at the storming of Fort Wagner, causing deafness in the left ear, partial loss of vision in the left eye, and cerebral disturbances.

Since the issuance of his pension certificate for \$12, granted for causes stated above, the petitioner, having *totally* lost the sight of his left eye, made application to the Pension Office for an increase of pension on account of the loss of his left eye. The examining surgeons of the Pension Office state that the loss of the eye is the direct result of the grape-shot wound in the head received in the line of duty.

The Commissioner of Pensions rejected the claim, after a careful examination of the facts in the case and the medical questions involved, on the ground that \$12 per month was the full rate of pension he was entitled to under the law for the degree of disability existing from wound in the head (including the loss of the left eye).

Inasmuch as the petitioner is almost totally prevented from following his trade as a printer by the loss of the sight of his left eye, your committee would recommend that his pension be increased from \$12 per month to \$15 per month, and urge the passage of the accompanying bill.



IN THE SENATE OF THE UNITED STATES.

MAY 4, 1880.—Ordered to be printed.

Mr. LOGAN, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 1710.]

*The Committee on Military Affairs, to whom was referred the bill for the relief of William H. Gill, respectfully submit the following report:*

Captain Gill entered the service of the United States, as military storekeeper in the Quartermaster's Department, June 12, 1858, and served continuously until December 23, 1870.

During the war of the rebellion he had charge of and was responsible for clothing, and camp and garrison equipage, exceeding in value \$50,000,000, and performed his duties with such efficiency and fidelity as to receive the highest commendation from his superior officers.

Having been ordered from Schuylkill Arsenal, Philadelphia, to Fort Union, N. Mex., in 1870, he completed his inventories and obtained his receipts for property turned over on the 5th of December of that year.

Meantime he had applied to the Adjutant-General of the Army for a modification of a month's leave of absence granted to him, commencing November 1, 1870, so that it would commence as soon as his inventories should be completed; otherwise he could not avail himself of the leave. This application was refused.

About this time his daughter was taken suddenly and seriously ill, and he was compelled to remain at her bedside; and therefore, on the 7th day of December, two days after his receipts were obtained, he tendered his resignation in order to avoid the necessity of leaving her. But before he received notice of the acceptance of his resignation he asked to withdraw it by telegram, on the recovery of his daughter, on the 19th of December, 1870. On the 24th of December, 1870, he received a letter from the Adjutant-General of the Army, dated December 22, notifying him that his resignation had been accepted to take effect December 16. At the time it was accepted, the request to withdraw the same was in the hands of the Adjutant-General.

Captain Gill's faithful and honorable service entitled him to a leave of absence before his departure for New Mexico, and it was a great hardship to be compelled to tender his resignation in order to attend his daughter in her sickness; and it was unjust, if not considered unlawful, to accept his resignation after he had withdrawn it. He promptly but unsuccessfully petitioned the President to revoke the order accepting his resignation. These facts are fully evidenced by the papers hereto attached.

Your committee respectfully submit the accompanying bill with the recommendation that it be passed.

[Special Orders No. 179. Extract.]

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
Washington, July 29, 1870.

II. Upon the recommendation of the Quartermaster-General the following changes in the stations and duties of military storekeepers of the Quartermaster's Department are hereby made:

Capt. V. Van Antwerp is assigned to Schuylkill Arsenal, Pa. He will proceed to Philadelphia, Pa., and relieve Capt. William H. Gill, who, on being relieved, will proceed to Fort Union, N. Mex., and report thence by letter to the commanding general and the chief quartermaster, Department of the Missouri, for duty at Fort Union.

By order of the Secretary of War.

E. D. TOWNSEND,  
*Adjutant-General.*

Official:

J. P. MARTIN,  
*Assistant Adjutant-General.*

[Order.]

DEPUTY QUARTERMASTER-GENERAL'S OFFICE,  
Philadelphia, Pa., August 23, 1870.

Capt. V. P. Van Antwerp, military storekeeper, having reported for duty in obedience to Special Orders No. 179, Adjutant-General's Office, July 29, 1870, is hereby assigned to the Schuylkill Arsenal, and will relieve Capt. William H. Gill, military storekeeper, now in charge.

Capt. Van Antwerp will receipt to Captain Gill for all public property at the arsenal for which he (Captain Gill) is responsible.

Captain Gill will arrange his public business so as to complete it at the end of the present month, at which time he will proceed to obey such orders as he may have received from the proper authorities.

STEWART VAN VLIET,  
*Deputy Quartermaster-General, Brevet Major-General, U. S. A.*

DEPUTY QUARTERMASTER-GENERAL'S OFFICE,  
Philadelphia, Pa., August 30, 1870.

CAPTAIN: Referring to the orders sent you from this office, dated the 9th instant, you are informed that said orders are modified as follows:

The public property to be transferred shall be carefully overhauled and counted, in order that it may be correctly invoiced and receipted for. At the termination of this duty Captain Gill will proceed to obey such orders as he may have received from the proper authorities.

I am, respectfully, your obedient servant,

STEWART VAN VLIET,  
*Deputy Quartermaster-General, Brevet Major-General, U. S. A.*

Capt. WILLIAM H. GILL,  
*Military Storekeeper, U. S. A., Schuylkill Arsenal.*

CLOTHING DEPOT, SCHUYLKILL ARSENAL,  
Philadelphia, December 7, 1870.

GENERAL: In consequence of the severe illness of members of my family and private business of an important nature, and my inability to obtain a leave of absence, I am compelled and herewith have the honor to respectfully tender to his Excellency the President of the United States my resignation as an officer of the United States Army, and request my honorable discharge from the military service.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. GILL,  
*Captain and Military Storekeeper, U. S. A.*

The ADJUTANT-GENERAL, U. S. A.,  
Washington, D. C.

Through Lient. Col. STEWART VAN VLIET,  
*Deputy Quartermaster-General, U. S. A.*

PHILADELPHIA, Pa., October 10, 1870.

DEAR CAPTAIN: In breaking the bonds of official intercourse enjoyed during the past three years, to enable you to assume charge of the military storekeeper's department at Fort Union, N. Mex., be assured I do so with regret, having during the whole of that period found you ever prompt in the fulfillment of every duty intrusted to your charge; and I trust that in entering on the new field of labor to which you have been assigned you may meet with those who will endeavor by their courtesies to make pleasant in that far-off region the few leisure hours you may enjoy free from the multifarious duties you will be called upon to perform in your official capacity.

Assuring you of my heartiest wishes for your happiness and prosperity, also the general welfare of your estimable family,

I am, with the highest respect, yours, very truly,

G. H. CROSMAN,

*Assistant Quartermaster-General (retired).*

Capt. WM. H. GILL,  
*Military Storekeeper, U. S. A.*

EBBITT HOUSE,

*Washington, D. C., March 20, 1871.*

To the PRESIDENT:

Learning that Capt. William H. Gill, military storekeeper in the United States Army for thirteen years, was compelled, in consequence of dangerous illness of his daughter, to tender his resignation on the 7th of December, 1870; that the cause that impelled this action was removed by the 19th of December, at which time he requested leave to withdraw his resignation; that the order accepting his resignation bears date December 23, after the date of the receipt at the War Department of said withdrawal: we respectfully suggest that justice to an efficient officer would seem to require that the order accepting his resignation be revoked, or that his request for the withdrawal of the same be granted.

If this can be done consistent with the public interests, it would afford the undersigned great personal gratification.

With great respect, your obedient servants,

JOHN SHERMAN.

JOHN SCOTT.

SIMON CAMERON.

SENATE CHAMBER, May 31, 1872.

To the PRESIDENT:

Permit us to state that Capt. William H. Gill was appointed storekeeper about fourteen years since; was in charge at Cincinnati from the beginning to the close of the recent war; was then ordered to New York City and put in charge, where he remained about three and one-half years; was then ordered to Philadelphia, where he served about three years; was then ordered to Fort Union, N. Mex., but while engaged in turning over stores to his successor in Philadelphia his daughter was confined, and was supposed to be at the point of death. Under the influence of his parental love, he applied for a leave of absence, under the advice of Major General Van Vliet, which was not granted. He then tendered his resignation, but before he received notice of its acceptance his daughter rallied, and became so much better that he deemed it safe to leave her, when he telegraphed the War Department *withdrawing his resignation*. But the next day (as per dates on the papers) after the telegram was forwarded, the order accepting his resignation was issued.

Soon after this the captain applied for a restoration, which he renews.

He refers with confidence to his official record. Vast amounts of government stores have passed through his hands, and, as he believes, he had the confidence of all of his superiors and associates in the service. His accounts are all satisfactorily closed. He was the head of his corps, and deems it a great hardship that he should be thrown out of the service on account of the *act of God*, that no true parent could disregard.

There are now several vacancies. He therefore prays a reappointment, and is ready to go to any post where the good of the service may require.

We respectfully unite in this request.

JAS. HARLAN.

[Indorsement on the foregoing.]

Respectfully referred to the Secretary of War. If Captain Gill can be restored legally I have no objection to his restoration or to his appointment, subject to confirmation by the Senate. This is supposing, of course, that his record is good.

U. S. GRANT.

JUNE 1, 1872.

HEADQUARTERS OF THE ARMY,  
 ADJUTANT-GENERAL'S OFFICE,  
*Washington, January 23, 1880.*

Military history of William H. Gill of the United States Army, as shown by the files of this office.

Appointed military storekeeper Quartermaster's Department, June 12, 1858; captain and military storekeeper Quartermaster's Department, July 23, 1866.

*Service.*—On duty at Fort Leavenworth, Kans., from July, 1858 to March 20, 1861; on leave of absence to April 10, 1861; on duty at Fort Leavenworth, Kans., to July 2, 1861; at Cincinnati, Ohio, from July 5, 1861, to December, 1865; at New York City, N. Y., to January, 1868; at the Philadelphia depot, Quartermasters' Department, to September 16, 1868; on leave of absence to October 10, 1868; on duty at the Philadelphia depot, Quartermaster's Department, to date of his discharge.

Honorably discharged to date December 16, 1870, by Special Orders 385, dated December 31, 1870, from this office.

CINCINNATI, OHIO, *June 8, 1863.*

SIR: By an order from the Secretary of War I have been relieved from the charge of the clothing depot at this point. In relinquishing my control over it I desire to return you my thanks for the manner in which you have discharged your duties. At the outset of the rebellion the Eastern depots were overworked in providing supplies for Eastern troops, and nothing could be drawn from them for the armies of the West. A depot was improvised here to supply them. The promptness and regularity with which these armies have been supplied can be attested by the generals commanding them, and you have contributed at least your full share in accomplishing these results.

In organizing this depot, and bringing it to the state of efficiency in which I relinquish it, in which I feel a just pride, I have been much indebted to your energetic, intelligent, and faithful assistance. Your position has been one of great responsibility and labor. I trust at no distant day the War Department will show a juster appreciation of your services than it has done of mine.

You fully merit, and I hope will receive, a substantial recognition from the government for the zeal you have displayed in the discharge of your arduous duties.

I am, captain, very respectfully, your obedient servant.

JNO. H. DICKERSON,  
*Captain and Chief Quartermaster Department of Ohio.*

Capt. W. H. GILL,  
*Military Storekeeper.*

UNITED STATES QUARTERMASTER-GENERAL'S OFFICE,  
*Cincinnati, Ohio, April 12, 1866.*

Capt. W. H. Gill having been on duty as military storekeeper in this city during the past five years, it affords me pleasure to state that during the time he has been under my orders I have found him attentive and zealous in the performance of his duties. The very large amount of property he has, from time to time, been in charge of has been well taken care of and properly accounted for.

THOS. SWORDS,  
*Assistant Quartermaster-General, Brevet Brigadier-General.*

CHIEF QUARTERMASTER'S OFFICE,  
*Cincinnati Depot, February, 1865.*

MY DEAR SIR: As I am about leaving this station to assume charge at Philadelphia, I desire to express my satisfaction as to the manner in which you have discharged your duties since I have been in charge at this depot.

Probably the duties and responsibilities of your position were never so great or so arduous before as they have been during the past five months, as the great movements of Generals Sherman and Thomas, together with the usual business, rendered it necessary to receive, care for, and issue immense quantities of property. I have always found you ready and prompt in the discharge of your duties, and congratulate you upon having been so successful.

Very truly yours,

WM. W. McKIM,  
*Colonel, Chief Quartermaster.*

Capt. W. H. GILL,  
*Military Storekeeper, U. S. A., Cincinnati, Ohio.*

DEPOT QUARTERMASTER'S OFFICE,  
Cincinnati, Ohio, September 30, 1865. .

CAPTAIN: When I became connected with the office of clothing and equipage in this city in June, 1863, I found you in charge as military storekeeper of the depot, a position which you have continued to fill under the respective administrations of Colonels Swords, McKim, and myself.

Being about to leave the service, it gives me pleasure to bear testimony that you have discharged your arduous duties with promptness and fidelity, and in a manner alike creditable to the service and yourself.

Very respectfully, your obedient servant,

C. W. MOULTON,  
Colonel, and Depot Quartermaster.

Capt. WM. H. GILL,  
Military Storekeeper, U. S. A., Cincinnati, Ohio.

OFFICE OF ASSISTANT QUARTERMASTER-GENERAL,  
New York, January 4, 1868.

CAPTAIN: Having been relieved from service under my direction and ordered to a new field of duty, I beg leave to tender you my sincere thanks for the very prompt manner in which you have executed all orders given you, and for the zeal and fidelity you have manifested in the discharge of your duties as military storekeeper in this city.

I am, very respectfully, your obedient servant,

RUFUS INGALLS,  
Colonel, and Assistant Quartermaster-General, U. S. A.

Capt. WILLIAM H. GILL,  
Military Storekeeper, U. S. A.

S. Rep. 560—2

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IN THE SENATE OF THE UNITED STATES.

MAY 4, 1880.—Ordered to be printed.

Mr. BURNSIDE, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 1488.]

*The Committee on Military Affairs, to whom was referred the bill (S. 1488) to provide for promotions in the Army of the United States, having had the same under consideration, beg leave to submit the following report:*

Your committee recognize the fact that promotion is slow in the artillery arm of the service, and they would be glad to recommend that all its first lieutenants, after fourteen years of continuous service as first lieutenants, should be promoted to the rank of captain, but after receiving such service-promotion they would have no legal right to a command equal to their rank until absolutely promoted to the command of a company. Your committee do not feel themselves authorized to increase the number of captains in the Army and the attending increase of expense which would result from the passage of the bill. The artillery is a favorite arm of the service, and graduates of the Military Academy seek appointments in it, notwithstanding the fact that promotion is slow. The committee see no reason for recommending the passage of the bill, notwithstanding the favorable recommendation of the Adjutant-General of the Army and the Secretary of War.

Your committee, therefore, ask to be discharged from the further consideration of the bill, and recommend that it be indefinitely postponed.

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IN THE SENATE OF THE UNITED STATES.

MAY 4, 1880.—Ordered to be printed.

Mr. BURNSIDE, from the Committee on Military Affairs, submitted the  
following

REPORT:

[To accompany bill S. 1283.]

*The Committee on Military Affairs, to whom was referred the bill (S. 1283) to authorize the President to restore D. M. Page to his former rank in the Army and place him upon the retired list, have duly considered the same, and beg leave to submit the following report:*

Daniel M. Page entered the service October 12, 1861, a private in Company B, Forty-third Ohio Volunteers, and served to September 29, 1863, and with Battery F, Second United States Artillery, to January 24, 1864, when he was discharged and transferred to the Third Alabama Volunteers (afterwards changed to the One hundred and eleventh United States Colored Troops), with which he served as a non-commissioned officer until promoted: Second lieutenant, July 3, 1865; first lieutenant and adjutant, December 13, 1865; breveted captain and major, 13th of March, 1865, for gallant and meritorious services during the war; served with regiment to April 30, 1866, when mustered out of the volunteer service. He was appointed in the Regular Army as first lieutenant Thirty-eighth Infantry, 22d of July, 1867, and went to New Mexico with the regiment in August, 1867, and was there until May, 1869, when he was ordered home to await orders on account of sickness, and placed on the list of unassigned officers, and was honorably mustered out of service January 1, 1871, under General Orders No. 1 from the Adjutant-General's Office, dated January 2, 1871. In the mean time he was before a retiring board at Fort Leavenworth, Kans., September 24, 1870, which board reported that he was unfit for duty at that time, "but not incapacitated for active service, as, in the opinion of the board, he may recover his full strength, as he has no organic disease." This opinion was based upon the testimony of surgeons of the Army who examined him. As he was not found by the board permanently incapacitated for active service, he could not be placed upon the retired list, but was kept upon the roll of unassigned officers, on which roll he was when he applied to go before the retiring board; and, on January 1, 1871, he being a supernumerary officer, was, upon the reduction of the Army, honorably mustered out of service, in conformity with section 12 of the act approved July 15, 1870.

Your committee see no reason for restoring said Page to the Army which does not apply to all the officers mustered out in conformity with said act. They therefore ask to be discharged from the further consideration of the bill, and recommend that it be indefinitely postponed.



IN THE SENATE OF THE UNITED STATES.

MAY 4, 1880.—Ordered to be printed.

Mr. BURNSIDE, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 1455.]

*The Committee on Military Affairs, to whom was referred the bill (S. 1455) authorizing the President to appoint John W. Hoffman a second lieutenant in the United States Army, having had the same under consideration, beg leave to submit the following report:*

John W. Hoffman was notified on the 20th of February, 1869, by the War Department that his name would be submitted by the President to the Senate for appointment as second lieutenant in the United States Cavalry upon condition that he pass a satisfactory examination under the law. He was required to report, on or before the 1st of April, 1869, to a board of officers then in session at Carlisle Barracks, Pa. February 22 he acknowledged the receipt of this notification, and subsequently reported to the board. On the 26th of February the board reported that he had passed a satisfactory examination for a commission as lieutenant in the United States Cavalry. The next day his nomination was prepared, and transmitted by the President to the Senate on the 3d of March, 1869. The Senate adjourned without acting on the nomination, since which time Mr. Hoffman has not been renominated.

More than eleven years have now elapsed, and Mr. Hoffman is 38 years of age. The existing regulations governing the appointment of second lieutenants from civil life limit the age of eligible candidates to 30 years. Your committee do not assume that Congress cannot by enactment override that limitation, but they think it would be unwise to appoint a man of that age to the position of second lieutenant, and they certainly do not think it proper to authorize the President to do now what he has a right to do, notwithstanding the regulation which has been published by his own order. If he chooses to violate the regulation which has been made by his authority, Congress has no jurisdiction over the matter, and it remains for the Senate to decide whether or not they would advise such action. He can, if he thinks it just and proper, appoint Mr. Hoffman without any authority from Congress.

Your committee therefore report the bill back adversely, ask to be discharged from its further consideration, and recommend that it be indefinitely postponed.





IN THE SENATE OF THE UNITED STATES.

MAY 4, 1880.—Ordered to be printed.

Mr. BURNSIDE, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 1128. ]

*The Committee on Military Affairs, to whom was referred the bill (H. R. 1128) for the relief of James N. Ruby, have had the same under consideration, and beg leave to submit the following report :*

A precisely similar bill was passed at the closing hours of the last session of Congress for the relief of Capt. James N. Ruby, but unfortunately did not reach the President in time to get his signature. The favorable report adopted at that time is again adopted by your committee, and is as follows :

[S. Report No. 653, Forty-fifth Congress, third session.]

*The Committee on Military Affairs, to whom was referred H. R. 2852, "An act for the relief of James N. Ruby," have had the same under consideration, and submit the following report :*

The facts in this case are fully set forth in the House report, as follows :

"[House Report No. 476, Forty-fifth Congress, second session.]

"Mr. BRAGG, from the Committee on Military Affairs, submitted the following report to accompany bill H. R. 2852 :

*"The Committee on Military Affairs, to whom was referred the bill (H. R. 2852) for the relief of James N. Ruby, submit the following report :*

"The committee have had such bill under consideration, and report the following facts upon which the claimant bases his claim for relief :

"1. The muster-roll of the non-commissioned staff of the Twentieth Regiment of Wisconsin Volunteer Infantry shows that James N. Ruby enlisted in the service of the United States June 28, 1862; was mustered June 30, 1862, and was mustered as sergeant-major in such regiment August 18, 1862. And the petition and affidavit of the claimant show that he entered upon and discharged the duties of sergeant-major of such regiment from the date of his enlistment to the 22d day August, 1862, and that he has received no pay for such period of service.

"2. The petition of the claimant shows, among other things, that on the 22d day of August, 1862, he was commissioned by the governor of Wisconsin a first lieutenant in the Eighteenth Regiment of Wisconsin Volunteer Infantry, and that on the 26th day of August, 1862, he was duly and regularly mustered into the service of the United States, at Madison, Wis., by Maj. R. S. Smith, of the United States Army, on duty at Madison, Wis., as muster-in officer and superintendent of recruiting service; the regiment in which he was so mustered, Colonel Bouck commanding, then being on duty near Corinth, Miss.

"That by virtue of such commission and muster he reported for duty in person to Colonel Bouck, commanding Eighteenth Wisconsin Volunteer Infantry in the field, in



Corinth, by whom he was directed to report to Colonel Oliver, commanding brigade to which the Eighteenth Regiment of Wisconsin Volunteer Infantry was attached; that in obedience to such order he did so report to Colonel Oliver, and was by him assigned to duty as such first lieutenant in the Fourteenth Regiment of Wisconsin Volunteer Infantry, Col. John Hancock commanding, which last-named regiment was a part of Colonel Oliver's brigade; that under such order of assignment he entered upon active duty as such first lieutenant, participating in the march to Iuka, and engaging in a sharp skirmish near Iuka, Miss., and in the battle of Corinth on the 3d and 4th of October, 1862; that thereafter he was refused pay as such lieutenant, by the paymaster, on account of alleged irregularity in his muster, whereupon leave of absence was granted him by General John A. Rawlins, adjutant-general of General Grant, then in command of the troops in that department of military operation, to report to the governor of Wisconsin, at Madison, and that he did so report on the 2d day of December, 1862, and was on said last-named day commissioned by the governor of Wisconsin a captain in the Thirty-fourth Regiment of Wisconsin Volunteer Infantry, and served as such until the 8th day of September, 1863.

"The statements of Colonel Bouck and Colonel Hancock corroborate in substance the fact of his service as stated by the claimant, and bear testimony to his faithfulness and efficiency as an officer.

"From these facts your committee report that in their opinion the said James N. Ruby is entitled to pay as a private soldier from the date of his enlistment, June 23, 1862, to August 18, 1862, when he was mustered as sergeant-major, and to pay as sergeant-major from August 18, 1862, to the 26th day of August, 1862, when he was mustered as first lieutenant.

"And your committee further report that the claimant is entitled to pay as first lieutenant from the date of his muster as such by Maj. R. S. Smith, August 26, 1862, until the date of his muster as captain, on the 2d day of December, 1862.

"Your committee base their favorable report upon the ground that the claimant performed the duty under the color and authority of the government, and is not chargeable with irregularity, if any there was, in the mustering officers of the government.

"The government received the service knowingly and under color of its authority, and in justice should pay for the same.

"Your committee, therefore, report back the bill with an amendment to conform to this report, and, when so amended, recommend its passage."

Your committee are of opinion that the relief sought for ought to be granted, and therefore recommend concurrence of the Senate.

IN THE SENATE OF THE UNITED STATES.

MAY 4, 1880.—Ordered to be printed.

Mr. MCPHERSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1169.]

*The Committee on Pensions, to whom was referred the bill (S. 1169) granting a pension to John Harner, have carefully examined the same, and report as follows :*

The papers in the case of John Harner, late corporal Fourth United States Cavalry, show that a claim was allowed for hemorrhoids, for which he is now receiving a pension. He claims a pension, however, for hernia and injury to the left knee.

There is no evidence which goes to show clearly that the said injuries were inflicted or contracted in the military service.

There is no record in either the military or the medical department showing their existence while in the service or at the time of his discharge. It is stated, however, by several officers and privates of his company, or what purports to be their statement, but which is neither signed by anybody nor verified in any manner, that he was suffering from hernia and injury to the knee at the time he was discharged.

In the opinion of the committee there is not sufficient testimony to warrant the passage of the bill.





IN THE SENATE OF THE UNITED STATES.

MAY 4, 1880.—Ordered to be printed.

Mr. MCPHERSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2861.]

*The Committee on Pensions, to whom was referred the bill (H. R. 3861) granting an increase of pension to Herman Baldwin, have carefully examined the same, and report as follows :*

The petitioner, Herman Baldwin, late corporal Company B, Fifty-fourth Pennsylvania Volunteers, was, on the 10th of April, 1874, placed upon the pension-roll, at the rate of \$8 per month, for deafness of right ear, and hearing of left impaired, and disease of lungs. The Pension Department reduced the applicant's pension to \$2 per month because the deafness was only partial. It is clearly proven in the evidence that he is totally deaf in the right ear, and almost entirely so in the left ear.

Prior to the war he made his living by repairing clocks and watches. His hearing is so defective at the present time that he has to abandon this means of obtaining a livelihood. His general health does not permit him to do any other manual labor. Examining Surgeons Blubacher and Good report the disability as total, and also that it is permanent.

The committee are of opinion that an increased pension should be granted, and recommend the passage of the bill with an amendment.

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IN THE SENATE OF THE UNITED STATES.

MAY 4, 1880.—Ordered to be printed.

Mr. MCPHERSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2450.]

*The Committee on Pensions, to whom was referred the bill (H. R. 2450) granting a pension to Mary Wade, have carefully examined the same, and report as follows:*

It appears from the papers that Jennie Wade, a daughter of the petitioner, was killed in the battle of Gettysburgh on the 3d day of July, 1863, within the Union lines, and whilst she was engaged in baking bread for Union soldiers. It appears further from the papers that she was at the time in the house occupied by her mother and married sister, in the borough of Gettysburgh. The house was located near the top of Cemetery Hill, and was occupied during the battle by Union sharpshooters. On the 3d day of July, 1863, whilst engaged as aforesaid in the kitchen of said house, she was shot. The ball passed through the outside kitchen door and entered the small of the back just below the left shoulder. She expired instantly.

It further appears from the evidence in the case that the petitioner had three sons, aged, respectively, 17, 12, and 8 years, besides the daughter Jennie (who was killed), aged 20 years.

It is claimed by the petitioner that her daughter Jennie was her sole support, her husband being a lunatic and confined to the poorhouse.

The committee are of the opinion, in the absence of evidence to the contrary, that said Jennie Wade was exposed to this peril of her own volition, there being no proof that the Union soldiers were in need of bread, and it is not unfair to presume that she was engaged in an occupation from which some personal profit was derived.

We therefore recommend that no pension be granted.





IN THE SENATE OF THE UNITED STATES.

MAY 4, 1880.—Ordered to be printed.

Mr. McPHERSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1711.]

*The Committee on Pensions, to whom was referred the petition of Mrs. Hannah Mackey, guardian of the minor child of John M. Yourison, alias John Sloan, have carefully examined the same, and report as follows :*

Mrs. Hannah Mackey, the petitioner, is the mother of the child. J. M. Yourison first served in the Fourth New Jersey Volunteers. He was wounded and left in the hospital. Before he fairly recovered he left the hospital without permission and enlisted in the Fifty-sixth Regiment New York Volunteers. A consolidated pension was granted to the widow and minors of said soldier, which was afterward dropped, upon ascertainment by the Pension Department that the soldier had deserted from a prior service.

The committee recommend that the prayer of the petitioner be granted by the passage of the accompanying bill.







IN THE SENATE OF THE UNITED STATES.

MAY 4, 1880.—Ordered to be printed.

Mr. BOOTH, from the Committee on Patents, submitted the following

REPORT:

*The Committee on Patents, to whom was referred the petition of Helen Frances Manville, praying the extension of reissued patent No. 6535, have had the same under consideration, and submit the following report:*

In 1862, a patent was granted to Robert H. Mathies and Gordon McKay for an improvement in machines for attaching uppers to the soles of boots and shoes.

Mathies committed suicide about the time the invention began to be successful, and it is alleged that the intense and unremitting thought he gave to the invention was the cause of the loss of his reason. Before his death he sold his interest in the patent to his partners for \$9,000. It is stated that at the time of the sale the firm was in debt to the amount of \$125,000, which had been contracted in buying other patents and perfecting this invention.

The release from his share of this liability was a part of the consideration of the sale, in addition to the \$9,000 cash.

Mathies, it is represented, was a man of great mechanical genius, and one of his motives for selling his interest in this patent was a desire to devote his time and means to perfecting another invention.

Mr. Mathies was married in August, 1861, and died in 1863. He left no children. His widow has since married, and now, as Mrs. Helen F. Manville, petitions for the passage of a law which will allow her to apply to the Commissioner for the extension of the patent which expired in August, 1879. She has contracted to sell the extension, if it should be granted, to the McKay Sewing Machine Company for \$50,000.

While the patent, the extension of which is sought, is of a high order of invention, it is not original in design, but a vast improvement on the machine invented by Mr. Blake in 1858.

The perfected machine, which has been exhibited to the committee, combines many principles and devices which were well known and in common use before this patent was issued. The machine is in fact the growth of years and the adaptation and combination of known contrivances to a particular end. Among these are the devices of the sewing-machine, the wax-thread machine, and the pegging machine, all of which preceded the McKay invention and contributed very largely to its efficiency. The McKay sewing-machine is rather the result of a marvelous ingenuity in combination than of original inventive genius.

If the extension of this patent should be granted, the substantial beneficiaries will be the McKay Sewing Machine Company. They are the real parties to the application. It is not unfair to say they have

agreed to pay Mrs. Manville \$50,000 for the use of her name, in the event the application should be successful; and the memorial may properly be treated as though it were made in behalf of the McKay Sewing Machine Company.

The parties in interest have not, as is usually required, submitted to the committee any detailed statement of their profits on the patent, but they admit them to be large. From facts disclosed, however, the lowest estimate of their gains from this patent cannot be less than three million dollars. The probabilities are that a statement of account by the company would show that a profit has been realized of a much larger sum. It is not denied that in the last year of the patent they divided \$600,000.

However great the merits of the invention, it has been amply paid for, and belongs to the public. To extend it is simply to create a monopoly and confer upon its owners the "potentiality of becoming rich beyond the dreams of avarice."

The number of machines licensed in the last year of the life of the patent is said to have been 1,200, each having the capacity to bottom 400 pairs of boots or shoes per day.

At a royalty of  $1\frac{1}{2}$  cents per pair (lower than the average then charged), this would yield an income of \$7,200 per day. The machines were not all run to their full capacity. It was stated in the argument for the petitioner made before the committee of the Forty-fifth Congress that the average work of each machine was 100 pairs per day. The business is increasing, not only with the growth of population, but by the substitution of sewed for pegged work. Estimating by the dividends paid during the past year, the value of the extension sought would be \$4,200,000. The business will continue to increase, and a reasonable calculation of profits would amount to \$6,000,000.

It is proposed, then, to levy a tax on the public of \$6,000,000, in order to pay Mrs. Manville \$50,000. It is respectfully submitted that, if that amount is equitably due to her, a less expensive method should be devised for collecting it. The profits of the McKay Sewing Machine Company for a single month will pay Mrs. Manville more than she will get from seven years' extension of the patent.

It is urged in favor of this extension, 1st, that the royalty charged is so small that it does not affect the cost of the consumer.

Small as it is, it is greater than the cost of the labor with the use of the machine in "attaching the uppers to the soles of boots and shoes." A proposition to levy a tax, however small, for seven years on all machine-sewed boots and shoes, for the benefit of a private individual, would not be considered.

No merit in the beneficiaries, however great, no suggestion that the consumers would feel so light a tax, however true, would raise it to the level of a moment's consideration.

Yet that will be the practical effect of this extension, as the patent has been fully paid for, and legally and rightfully belongs to the public.

It is urged in favor of the extension, 2d, that a large majority of the licensees are in favor of it. The committee attach very little importance to this. Leaving out of consideration the fact that the McKay Sewing Machine Company, who have procured the petitions of the manufacturers (on printed blanks), might make it to the interest of licensees to aid in securing the extension by an offer of discriminating rates in their favor, the rights of the public and the general policy of the law should control the decision of the question, and not the wishes or interests of a class.

If manufacturers should all pay the same royalty, the committee fail to see what personal interest any licensee would have in opposing the extension. In fact the temporary convenience of licensees might be subserved by the continuance of care of the McKay Sewing Machine Company over the machines already paid for and in use. Large manufacturers have a direct interest in preventing the increased competition which would arise from the reduction of the cost of machines and the abolition of the royalty.

When this memorial was before the committee of the Forty-fifth Congress no opposition appeared, but when the bill was reported and public attention was directed to the subject numerous strong remonstrances were presented to the Senate, and many more, some of them representing manufacturers and licensees, have been presented at the present session.

If it were realized that the extension of this patent involved the principle of levying an insidious tax, so small as to be imperceptible to the tax-payer, but aggregating millions, for the benefit of a gratuitous monopoly, the opposition would be as general and pronounced as that which excluded the copper money coined under a monopoly granted by the British Parliament from circulation in Ireland.

Finally, it is urged in behalf of the extension that if this invention becomes public property inferior machines will be made and inferior work will be done. This is the argument which was always used in favor of monopolies in the time when they were grants of royal favor, when it was thought necessary to use any. Some one must exercise a paternal care to protect the public from its own improvidence and guard it from imposition by the sale of inferior goods.

If the argument is valid in this case it would justify the extension of this patent in perpetuity, for there may never come a time when a new manufacturer can immediately make as perfect a machine as one who for years has had the exclusive right to make it. In that regard the longer the monopoly continues the greater the reason for extending it.

We think, however, that the anticipated temporary inconvenience to arise from opening this invention to the public is greatly exaggerated. If the men who use these machines are as dependent as is represented on the McKay Sewing Machine Company to keep them in good working order and proper repair, it is time they were educated to their more intelligent use. The services of the men who practically do this work for the owners of the patent could probably be secured for less than the \$6,000,000 of royalties which it is proposed to turn into the treasury of the McKay Sewing Machine Company. As a matter of fact, so widely diffused is the capacity for mechanical invention in the American mind, there is not a manufacturing community in the country where mechanics cannot be found working for daily wages who cannot master in one month the principles of this machine and the best methods of its use.

In explanation of some parts of this report, it may be necessary to say that while the principal patent in the McKay sewing-machine has expired, the use of the machine is still restricted to licensees under the claim of the company that it is protected by patents for certain devices in connection with it, which will not expire until 1882.

If Mr. Mathies were still living and the application were made in his interest and for his sole benefit, on the ground that he had sold his right in the invention for less than it was worth, the extension would be of at least doubtful propriety.

The law recognizes and defines the right of property in a patented invention, but it is under no more obligation to protect the owners of

that species of property than of any other from mistakes of judgment in dealing with their own. But whatever merits such an application might be supposed to have, they do not belong to that under consideration, which is in fact the application of the McKay Sewing Machine Company for a franchise worth millions of dollars, with a promise to pay Mrs. Manville, formerly the wife of Mr. Mathies, \$50,000 for the use of her name in procuring it.

The committee recommend that the petition be denied.



## IN THE SENATE OF THE UNITED STATES.

MAY 4, 1880.—Ordered to be printed.

Mr. KIRKWOOD, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 913.]

*The Committee on Pensions, to whom was referred the bill (S. 913) granting a pension to Thomas P. Johnson, have examined the papers in the case, and report:*

Mr. Johnson was an enlisted soldier in Company B, Fourth Regiment Illinois Volunteers, in the war with Mexico; enlisted June 13, 1846, and was discharged with his company May 26, 1847. He applied for a pension in 1876, alleging disability arising from chronic diarrhea and granulated sore eyes contracted in the service in the line of duty. His claim was rejected "because of claimant's inability to establish origin of alleged disability in line of duty."

The evidence in the case consists of the testimony of Dr. Thomas P. Rogers, of McLean County, Illinois, who testifies that he was well acquainted with claimant, and attended him professionally about two years after he returned from Mexico; that during that time claimant was afflicted with ulceration of the bowels and stomach, caused by chronic diarrhea contracted while in the Army in Mexico; and that to affiant's knowledge claimant continued so afflicted for about five years after his return from Mexico, and that his constitution was permanently impaired. William Lash, a comrade in the same company with claimant, was acquainted with him for about ten years before they enlisted; that claimant was of sound bodily health when he enlisted, and that his health was very poor after his return. Over twenty years ago claimant removed to Iowa, and has lived there ever since.

Dr. William Chaney, of Clark County, Iowa, where claimant lives, testifies, in 1878, that he has known claimant about twenty-two years, and was his family physician over eleven years, and treated him for granulated sore eyes and chronic liver complaint and ulceration of the stomach and bowels, and that he has been almost blind ever since affiant knew him.

Examining Surgeon J. W. Holland, who examined claimant in December, 1878, states that, judging from his then condition and the evidence before him, he believes the disability did originate in the service in the line of duty, and is permanent; that claimant is blind of right eye from opacity of cornea, result of inflammation; left eye partially blind from same cause; that claimant's bowels are swollen and tender in iliac region; discharge from two to eight times per day.

Another comrade, James De Pew, testifies he knew claimant well be-

fore and at the time of his enlistment, and that claimant was then a sound and healthy man. Over two hundred of his neighbors, who have known him over twenty years, have signed a petition asking that a pension be granted him.

Claimant's application is under oath, and states fully the injury to his eyes caused by sand in a sand storm, and to his having contracted diarrhea while in the service, and the continuance of both diseases until he is now almost wholly blind, and entirely unable to earn a living. The petition of his neighbors gives much weight to his own statement.

It would be more satisfactory if record evidence had been produced; but we all know both sore eyes and diarrhea are progressive diseases; and although claimant's condition at first was not such as to send him to the hospital, the proof is satisfactory that he went into the service a sound, healthy man; that he came out diseased and broken; that his disease has continued to increase upon him, until now in his old age he is blind and unable to earn his living by his labor.

The committee recommend the passage of the bill.



IN THE SENATE OF THE UNITED STATES.

MAY 5, 1880.—Ordered to be printed.

MR. HARRIS, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill 1720.]

*The Committee on Claims, to whom was referred the petition of George E. Payne, of Saint Charles Parish, in the State of Louisiana, asking compensation for the seizure, use, and occupation of his sugar plantation by the officers of the government, submit the following report:*

The claimant is a native of the State of New York. In 1856 he purchased a sugar plantation on the west bank of the Mississippi River, in the Parish of Saint Charles, Louisiana, and about 27 miles above New Orleans, upon which he settled and subsequently resided; and in 1860 he purchased an adjoining plantation, the two combined making about 2,313 arpens, upon which he cultivated sugar-cane and manufactured sugar and molasses, which the proof shows yielded him a net income of over \$20,000 per annum.

When claimant purchased the plantation in 1860 he borrowed money from his merchant, Charles P. Leverich, of New York City, and at the beginning of the war, in 1861, he was indebted to his said merchant on account of said loan over \$32,000, and in order to prevent the confiscation of said debt by the Confederate Government, it was agreed between the said Charles P. Leverich, claimant, and Stephen Duncan, who resided at Natchez, in the State of Mississippi, that Leverich should transfer and assign the said debt to the said Duncan, and the assignment was accordingly made; and while claimant and his plantation were within the military lines of the Confederates he paid upon this debt, up to November 1, 1862, the sum of \$18,000, and on the 1st day of November, 1862, he left his plantation temporarily in charge of an agent for the purpose of going to Natchez to pay his said New York creditor the balance of said debt.

The military forces of the United States took possession of New Orleans and environs about 1st May, 1862. Major-General Butler, in command, by proclamations, issued 1st and 6th of May, respectively, promised protection to life and property to all citizens not in arms against the United States, making special mention of the "honest planters of Louisiana."

On the 5th November, 1862, the military lines of General Butler were so extended as to include claimant's plantation, and on the 9th day of November, 1862, the general issued General Order No. 91, by which all property within what was known as the district of La Fourche was sequestered, and all sales or transfers thereof forbidden, and created a military sequestration commission to take possession of and work plantations. By this order the district of La Fourche included all territory in the State of Louisiana west of the Mississippi River, except the parishes of Plaquemines and Jefferson.



## General Order No. 91 reads as follows:

HEADQUARTERS DEPARTMENT OF THE GULF,  
New Orleans, November 9, 1862.

The commanding general being informed, and believing, that the district west of the Mississippi River, lately taken possession of by the United States troops, is most largely occupied by persons disloyal to the United States, and whose property has become liable to confiscation under the acts of Congress and the proclamation of the President, and that sales and transfers of said property are being made for the purpose of depriving the government of the same, has determined, in order to secure the rights of all persons as well as those of the government, and for the purpose of enabling the crops now growing to be taken care of and secured, and the unemployed laborers to be set at work and provision made for payment of their labor—

To order as follows:

1. That all the property within the district to be known as the "District of La Fourche," be, and hereby is, sequestered, and all sales or transfers thereof are forbidden and will be held invalid.

2. The district of La Fourche will comprise all the territory in the State of Louisiana lying west of the Mississippi River, except the parishes of Plaquemines and Jefferson.

3. That Maj. Joseph M. Bell, provost judge, president; Lieut. Col. J. B. Kinsman, A. D. C.; Captain Fuller (Seventy-fifth New York Volunteers), provost-marshal of the district, be a commission to take possession of the property in said district, to make an accurate inventory of the same, and to gather up and collect all such personal property, and turn over to the proper officers, upon their receipts, such of said property as may be required for the use of the United States Army; to collect together all the other personal property, and bring the same to New Orleans, and cause it to be sold at public auction to the highest bidders; and, after deducting the necessary expenses—of care, collection, and transportation—to hold the proceeds thereof subject to the just claims of loyal citizens and those neutral foreigners who in good faith shall appear to be the owners of the same.

4. Every loyal citizen or neutral foreigner who shall be found in actual possession and ownership of any property in said district, not having acquired the same by any title since the 18th day of September last, may have his property returned or delivered to him without sale, upon establishing his condition to the judgment of the commission.

5. All sales made by any person not a loyal citizen or foreign neutral, since the 18th day of September, shall be held void, and all sales whatever, made with the intent to deprive the government of its rights of confiscation, will be held void, at what time soever made.

6. The commission is authorized to employ in working the plantation of any person who has remained quietly at his home, whether he be loyal or disloyal, the negroes who may be found in said district, or who have, or may hereafter, claim the protection of the United States, upon the terms set forth in a memorandum of a contract heretofore offered to the planters of the parishes of Plaquemines and Saint Bernard, or white labor may be employed, at the election of the commission.

7. The commissioners will caused to be purchased such supplies as may be necessary, and convey them to such convenient depots as to supply the planters in the making of the crop; which supplies will be charged against the crop manufactured and shall constitute a lien thereon.

8. The commissioners are authorized to work for account of the United States such plantations as are deserted by their owners, or are held by disloyal owners, as may seem to them expedient, for the purpose of saving the crops.

9. Any persons who have not been actually in arms against the United States since the occupation of New Orleans by its forces, and who shall remain peaceably upon their plantations, affording no aid or comfort to the enemies of the United States, and who shall return to their allegiance, and who shall, by all reasonable methods, aid the United States when called upon, may be empowered by the commission to work their own plantation, to make their own crop, and to retain possession of their own property, except such as is necessary for the military uses of the United States. And to all such persons the commission are authorized to furnish means of transportation for their crops and supplies, at just and equitable prices.

10. The commissioners are empowered and authorized to hear, determine, and definitely report upon all questions of the loyalty, disloyalty, or neutrality of the various claimants of property within said district; and further, to report such persons as in their judgment ought to be recommended by the commanding general to the President for amnesty and pardon, so that they may have their property returned; to the end that all persons that are loyal may suffer as little injury as possible, and that all persons who have been heretofore disloyal may have an opportunity now to prove their loyalty and to return to their allegiance, and save their property from

confiscation, if such shall be the determination of the Government of the United States.

By command of Major-General Butler.

GEO. C. STRONG,  
*A. A. G. and Chief of Staff.*

This order issued nine days after claimant left his plantation to go to Natchez to pay a debt to a New York creditor.

On the 8th day of December, 1862, one John S. Woodward, under the orders of the sequestration commission and the authority of General Order No. 91, with military force, seized and took possession of claimant's said plantation, with all the machinery, stock, and implements thereon, and compelled the agent of claimant to deliver the keys to the sugar-house and storehouse. The said Woodward was then and there informed by H. Duplan, the agent of claimant in charge of said plantation, that claimant was only temporarily absent from his home and was expected to return every hour.

There was at that time a valuable crop of sugar-cane, and a full supply of tools, implements, and stock upon the plantation. The sequestration commission continued in possession of said plantation, stock, tools, implements, &c., until February 15, 1863, when it was placed in possession of the Quartermaster's Department, which held it until September, 1863, when it went into the possession and control of B. F. Flinders, a supervising special agent of the Treasury Department, who took possession at the request of the military authorities prior to the issuance of the War Department No. 331.

On the 9th day of October, 1863, the War Department issued the following:

[General Orders No. 331.]

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, October 9, 1863.*

The President orders:

1. All houses, tenements, lands, and plantations, except such as may be required for military purposes, which have been or may be deserted and abandoned by insurgents within the lines of the military occupation of the United States forces in States declared by proclamation of the President to be in insurrection, will hereafter be under the supervision and control of the supervising special agents of the Treasury Department.

2. All commanders of military departments, districts, and posts, will, upon receipt of this order, surrender and turn over to the proper supervising special agent such houses, tenements, lands, and plantations, not required for military uses, as may be in their possession or under their control; and all officers of the Army of the United States will, at all times, render to the agents appointed by the Secretary of the Treasury, all such aid as may be necessary to enable them to obtain possession of such houses, tenements, lands, and plantations, and to maintain their authority over the same.

By order of the Secretary of War.

E. D. TOWNSEND,  
*Assistant Adjutant-General*

Official.

Under this order, the government by its special agent of the Treasury Department, continued to hold and cultivate the plantation of claimant until 1865, when it passed into the possession and control of the Bureau of Refugees, Freedmen and Abandoned Lands and was held by that bureau and its tenants until January 1, 1866, when, under the order of the President of the United States it was delivered to claimant.

From the 8th day of December, 1862, to the 1st day of January, 1866, the plantation of claimant, with its stock, tools, and implements, was held by the Government of the United States by its various agents, respectively, the sequestration commission, the Quartermaster-General's Department, the supervising special agent of the Treasury Department, and the Freedmen's Bureau.

Was this seizure and holding of claimant's plantation legal? To determine this question we must examine the status of claimant and his property at the date of seizure and of the territory in which the plantation was situated.

Of the loyalty of the claimant to the Government of the United States the committee have no doubt. The fact is established, in the opinion of the committee, not only by the testimony of his neighbors, but by his acts.

Notwithstanding the act of the congress of the Confederate States of May 21, 1861, prohibiting all persons indebted to individuals or corporations in the United States from paying such creditors, and authorizing them to pay such indebtedness into the Confederate treasury, claimant, while in the military lines of the Confederates, and in direct violation of this act, paid a debt of over \$32,000 due to his New York creditor, and when planters in Louisiana were required by the order of a Confederate general to send their plantation *bells* to New Orleans to be cast into Confederate cannon he refused to obey, and the plantation bell of claimant was upon the place when seized by the officers of the government.

No seizure or withholding of his property can be justified upon the ground of disloyalty, or even doubtful loyalty; his loyalty was pronounced and well understood.

Nor can it be justified upon the ground that the plantation and property thereon *were abandoned or deserted by claimant*. He had in no sense *abandoned or deserted the property*.

So far from it, he had constantly resided upon the plantation from the date of its purchase, and resided upon it when it was seized, and had only absented himself temporarily, leaving it in the possession and management of his agent, Mr. H. Duplan, while he could visit Natchez for the legitimate, loyal, and laudable purpose of paying a debt to his New York creditor.

Now, as to the status of the district within which claimant's plantation was situated at the time of its seizure (December 8, 1862): By the provisions of the 5th section of the act of Congress approved July 13, 1861, entitled "An act further to provide for the collection of duties on imports, and for other purposes," the President of the United States was, under certain conditions and in certain contingencies, authorized to declare by proclamation that the inhabitants of any State, "or any section or part thereof," were in a state of insurrection against the United States; and such section of said act provided further for the forfeiture to the United States of all goods and chattels, wares and merchandise, coming from such insurrectionary State or section into the other parts of the United States, together with the vessel or vehicle conveying the same.

The President, in his proclamation of date August 16, 1861, made in pursuance of the authority conferred by the act just quoted, excepted from the insurrectionary States all those parts of the insurrectionary districts from time to time occupied and controlled by the military forces of the United States.

After specifying the States and parts of States whose inhabitants were then in insurrection, the President states the exception in these words:

Except the inhabitants of that part of the State of Virginia lying west of the Alleghany Mountains, and of such other parts of that State and the other States hereinbefore named as may maintain a loyal adhesion to the Union and the Constitution, *or may be from time to time occupied and controlled by forces of the United States engaged in the dispersion of said insurgents.*

On the 6th of August, 1861, Congress passed an act entitled "An act to confiscate property used for insurrectionary purposes"; and, on the 17th of July, 1862, an act entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes."

Aside from these three acts (July 13, 1861, August 6, 1861, and July 17, 1862), Congress has not authorized the confiscation of private property, and they prescribed the manner in which alone confiscation could be made.

Reference is made to these acts of Congress and proclamation in pursuance thereof, for the purpose of showing, *first*, the political status of the parish of Saint Charles, in the State of Louisiana, at the date of the seizure of claimant's plantation, and, *secondly*, the extent of the authority possessed by military commanders to seize or confiscate private property of the loyal citizen, not taken either *flagrante bello* or for the immediate use of the Army, in so far as any such authority was derived from any direct act of the sovereign.

The military forces of the United States, in command of General Butler, took possession of New Orleans and environs on the 1st day of May, 1862, and on the same day General Butler issued his proclamation, in which occurred the following language:

All persons well disposed toward the Government of the United States, who shall renew their oath of allegiance, will receive the safeguard and protection, in their persons and property, of the Armies of the United States, the violation of which, by any person, is punishable with death;

Also—

All rights of property, of whatever kind, will be held inviolate, subject only to the laws of the United States.

The military lines of the commanding general were extended so as to include claimant's plantation on the 5th day of November, 1862.

The facts, then, with reference to the political condition of the territory in which claimant's plantation lay at the date of sequestration (December 8, 1862) are these: It was under the actual military occupation and control of the United States forces, substantial, complete, and permanent, thus bringing it within the exception made not only in the act of Congress of July 13, 1861, and of the proclamation of the President declaring the inhabitants of certain States and parts of States to be in insurrection against the United States, but of that declared by the general policy of the Government, and thus drawing to it "the full measure of protection to persons and property consistent with a necessary subjection to military government." The people of that portion of the State of Louisiana were not, on December 8, 1862, in insurrection against the United States, nor have they ever been at any time since.

The Supreme Court of the United States, in the case of the *Venice*, decided at the December term, 1864, and reported in 2 Wallace, page 277, in giving construction to the proclamation of General Butler, of date May 1, 1862, uses this language:

"Two clauses only have any important relation to the case before us. One is in these words: 'All the rights of property of whatever kind will be held inviolate, subject only to the laws of the United States.' The other is thus expressed: 'All foreigners not naturalized, claiming allegiance to their respective governments, and not having made oath of allegiance to the government of the Confederate States, will be protected in their persons and property as heretofore, under the laws of the United States.' These clauses," say the court, "only reiterate the rules established by the legislative and executive action of the national

government in respect to the portions of the States in insurrection occupied and controlled by the troops of the Union."

And again, in the same case :

The legislative and executive action by exempting districts occupied and controlled by national troops from the general prohibition of trade, indicated the policy of the government not to regard such districts as in actual insurrection, or their inhabitants as subject in most respects to treatment as enemies.

The court further say :

As far as possible the people of such parts of the insurgent States as came under national occupation and control were treated as if their relations to the national government had never been interrupted. \* \* \* The same policy may be inferred from the conduct of the war. Wherever the national troops have re-established order under national rule, the rights of persons and of property have been in general respected and enforced. When Flag-Officer Farragut, in his first letter to the rebel mayor of New Orleans, demanded the surrender of the city, and promised security to persons and property, he expressed the general policy of the government. So also when Major-General Butler published his proclamation and repeated the same assurance, and made a distinct pledge to neutrals, he made no declaration which was not fully warranted by that policy.

The Supreme Court of the United States was again called upon in the case of *The Planters' Bank vs. Union Bank*, 16 Wallace, page 496 (1872), to declare the status of persons residing in those parts of States the people of which, by proclamation of the President, were declared by reason of Federal military occupation not to be in insurrection, and also to pass upon the validity of a military order issued by Major-General Banks on the 17th of August, 1863, requiring the several banks and banking associations of New Orleans to pay over without delay to the chief quartermaster of the Army, or to such officer of his department as he might designate, all money in their possession belonging to or standing upon their books to the credit of *any corporation, association, or pretended government in hostility to the United States*; and all moneys belonging to, or standing on their books to the credit of, any person registered as an enemy of the United States, or engaged in any manner in the military, naval, or civil service of the so-called Confederate States, or who should have been, or who might hereafter be, convicted of rendering any aid or comfort to the enemies of the United States. The order declared that such funds would be held and accounted for by the Quartermaster's Department, subject to the future adjudication of the Government of the United States.

Under this military order the Union Bank of New Orleans, on the 10th day of September, 1863, paid over to the acting quartermaster the balance standing to the credit of the Planter's Bank on their books, being whole balance due. The payment was made in confederate notes (\$211,774), and the quartermaster accepted them in discharge of the balance.

On demand made on the Union Bank by the Planters' Bank for this balance, the former refused to pay, whereupon suit was instituted for the amount, and the Union Bank pleaded forced payment to the quartermaster under the military order as a discharge of the debt. Judgment was rendered in favor of plaintiff in the court below, and affirmed by the Supreme Court, the latter holding that the order of General Banks was one he had no authority to make. The court—Justice Strong—in delivering the opinion, say :

The validity of the order is the first thing to be considered. It was made, as we have seen, on the 17th of August, 1863. Then the city of New Orleans was in quiet possession of the United States forces. It had been captured more than fifteen months before that time, and undisturbed possession was maintained ever after its capture. Hence the order was no attempt to seize property "*flagrante bello*," nor was it a seizure for immediate use of the Army. It was simply an attempt to confiscate private property, which, though it may be subjected to confiscation by legislative authority, is, according to the modern law of nations, exempt from capture as booty of war.

The court, proceeding further to discuss the effect of the very pledge given by General Butler, in his proclamation of May 1, 1862, and which we have already quoted, use this language :

Still, as the war had not ceased, though it was not flagrant in the district, and as General Banks was in command of the district, it must be conceded that he had power to do all that the laws of war permitted, except so far as he was restrained by the pledged faith of the government, or by the effect of Congressional legislation. A pledge, however, had been given that rights of property should be respected. When the city was surrendered to the army of General Butler, a proclamation was issued dated May 1, 1862, one clause of which was as follows :

"All the rights of property of whatever kind will be held inviolate, subject only to the laws of the United States." This, as was remarked in the case of *The Venice*, only reiterated the rules established by the legislative and executive action of the National Government in respect to the portions of the States in insurrection occupied and controlled by the troops of the Union. That action, it was said, indicated the policy of the government to be not to regard districts occupied and controlled by national troops as in actual insurrection, or their inhabitants as subject in most respects to treatment as enemies. We do not assert that anything in General Butler's proclamation exempted property within the occupied district from liability to confiscation as enemy's property, *if in truth it was such*. All that is now said is, that after that proclamation, private property in the district was not subject to military seizure as booty of war. But admitting, as we do, that private property remained subject to confiscation, and also that the proclamation applied exclusively to inhabitants of the district, it is undeniable that confiscation was possible only to the extent and in the manner provided by the acts of Congress. These acts were passed on the 6th of August, 1861, and on the 17th of July, 1862. No others authorized the confiscation of private property, and they prescribed the manner in which alone confiscation could be made. They designated government agents for seizing enemy's property, and they directed the mode of procedure for its condemnation in the courts. The system devised was necessarily exclusive. No authority was given to a military commandant, as such, to effect any confiscation.

It follows, therefore, as a necessary sequence from the adjudications quoted, that while private property in these non-insurrectionary districts coming within any of the provisions of any act of Congress providing for the confiscation of private property remained subject to confiscation solely in the manner pointed out in such act, that in reference to all other private property in such districts the pledged faith of the government afforded full and complete protection against any and all acts, civil and military.

This leads to the inquiry, was the plantation and other property of claimant, on the 8th day of December, 1862, subject to confiscation under the provisions of any of the three acts of Congress referred to ? Clearly it was not, according to the undisputed evidence in this case. It was not property coming from an insurrectionary State or district into any other part of the United States, and was not therefore subject to confiscation under the act of June 13, 1861 ; nor was it property sold, purchased, or given with intent to use the same in the rebellion ; nor was it used or employed for any such purpose, and therefore it was not subject to confiscation under the act of August 6, 1861.

Was it therefore liable to forfeiture under the only remaining act, that of July 17, 1862, under which confiscation could take place ?

This latter act included six classes of persons, and only six, whose property was subject to confiscation. These taken together included, first, those who held office under the Confederate Government, or under one of the States composing it ; and, secondly, persons who gave aid and comfort to the rebellion and who should not, within sixty days after public warning and proclamation duly given and made by the President of the United States, cease to aid countenance, and abet such rebellion and return to their allegiance to the United States.

Clearly the claimant did not, at the date of seizure or since, come within this category, as it is not pretended that he ever held any office

whatever under either the Confederate Government or any one of the States composing it. While, moreover, it is clearly apparent that he never gave any aid or comfort or in anywise abetted the rebellion, but, on the contrary, evaded, in every possible manner, complying with the military orders and civil enactments of the Confederate Government; while the ultimate release to claimant of his plantation by the order of the President of the United States vindicates the statement that such property was not, at the date of seizure or afterward, subject to confiscation. Nor was it the subject of capture. Neither was it abandoned within the legal meaning of that term. Congress, in the act approved July 2, 1864, entitled "An act in addition to the several acts concerning commercial intercourse between loyal and insurrectionary States, and to provide for the collection of captured and abandoned property and the prevention of frauds in States declared in insurrection," gave legislative definition to the terms "*abandoned property*," in these words:

Property, real or personal, shall be regarded as abandoned when the lawful owner thereof shall be voluntarily absent therefrom, and engaged, either in arms or otherwise, in aiding or encouraging the rebellion.

In every possible view therefore of this case, we cannot but conclude that the seizure of claimant's plantation and its detention for the use of the government for the period of over three years, was unauthorized by any law, civil or military. The original seizure was a palpable violation of the pledge made by General Butler to claimant in his proclamation of May 1, 1862, wherein he declared that "all the rights of property, of whatever kind, will be held inviolate, subject only to the laws of the United States." While its detention afterward, in the face of repeated applications for its release upon the part of claimant, was in direct conflict with the fourth and tenth subdivisions of the proclamation of November 9, 1862, under which the seizure was made.

To recapitulate the material facts: On the 1st day of November, 1862, claimant left his plantation to visit Natchez; on the 5th day of November, 1862, the lines of the army commanded by General Butler were so extended as to include claimant's plantation; on the 9th day of November, 1862, General Order No. 91 was issued; on the 8th day of December, 1862, the plantation was seized by John S. Woodward, under the order of the sequestration commission; on the 9th day of December, claimant returned to his home, to find it, with all other of his property in the possession and control of the United States military authorities; on the 10th day of December, 1862, claimant applied to the sequestration commission for the restoration of his property, he having taken the oath of allegiance on the 8th December, but no action was taken by the commission on this application; on 29th day of January, 1863, claimant filed two petitions in relation to the sugar crop and property other than the plantation, upon which no final action was taken.

By a petition bearing date December 17, 1863, Mr. Payne demanded restoration of his plantation from the Treasury Department, with damages resulting from its seizure and occupation. It does not certainly appear when this petition was received by the Treasury Department, but it was claimed by the agents of the department that it was subsequent to the date of a lease of the plantation to Spear. This petition was denied on the grounds that immediate restitution would be in violation of the rights of the lessee, Mr. Spear, who had given bonds in the penal sum of \$15,000 for the performance of his part of the agreements of the lease.

On the 9th of April, 1864, Hon. Salmon P. Chase, Secretary of the

Treasury, on application of Mr. Payne, and on report made to him by B. F. Flanders, special agent of the Treasury Department, having in charge this and other plantations similarly situated in Louisiana, decided, among other things, as follows, as extracted from his letter of that date to Mr. Flanders.

It appears that in taking charge of it (the plantation) you did so by order or request of the general commanding that department, thus becoming to that extent an agent of the military authorities or the War Department; and as the transfers were made before the promulgation of the order of the War Department turning over to the agents of this department property of the character you refer to in your letter, I have properly no jurisdiction in the premises; it would seem, however, that the approval of the authority under whom you acted in assuming control of the property would be competent.

The claimant, Mr. Payne, then made application to the Hon. E. M. Stanton, Secretary of War, for restoration of his property, by his petition of date May 24, 1864, who referred the same to Maj. Gen. E. R. S. Canby, then commanding the Military Department of the South, for examination and report, who, on the 25th of July, 1864, after having made full investigation of the case, recommended that the claimant's plantation be restored to him at the expiration of the lease referred to. This report was approved by the Secretary of War.

At the expiration of the lease of Spear, January 1, 1865, the special agent of the Treasury Department refused to surrender to claimant his plantation, except on condition that claimant would give a receipt releasing the Government of the United States, and all of its officers and agents, from any claim he had or might have for damage growing out of the seizure and detention of his said property.

This Mr. Payne declined doing, whereupon said special agent of the Treasury Department turned over said plantation and property thereon to the Freedmen's Bureau, against all which Mr. Payne protested in writing.

Mr. Payne next, in September, 1865, petitioned the President of the United States for redress. The President referred the case to the Attorney-General, Mr. James Speed, who, on September 13, 1865, returned to the President the following opinion:

ATTORNEY-GENERAL'S OFFICE,  
September 13, 1865.

*To the President :*

SIR: On the 1st instant I received from the Acting Assistant Secretary of War all the papers on the files of the War Department relative to the claims of George E. Payne, of Louisiana. These papers were sent to me, as mentioned in the letter from the department, by your direction.

No question or matter is stated in the letter of the department on which my opinion or advice is asked, nor do you indicate any point relative to the claim referred to on which you desire an expression of my opinion.

I cannot certainly say, therefore, whether the few remarks I will now make will be at all pertinent to any question in the case that may be before your excellency or the War Department.

It is stated in a communication dated March, 1865, addressed to the Secretary of War by Payne through his attorney, that Mr. Payne is the owner of a plantation in the parish of Saint Charles, Louisiana; that the plantation was seized by the military authorities as abandoned property, and by them was subsequently turned over to the agents of the Treasury Department; that an application made by the claimant to the Secretary of the Treasury for restoration of this property was refused, on the ground that its disposition was within the jurisdiction of the War Department; that the claimant then applied to the Secretary of War for restoration of the property in question, which application was referred to Major-General Canby, commanding the Military Division of the West Mississippi; that Major-General Canby recommended that the plantation be restored to the petitioner at the expiration of the lease executed by the Treasury Department to William Spear; and that the Secretary of War, on August 11, 1864, approved the report of Major-General Canby.



I do not find that any order was issued by the Secretary directing the restoration of the plantation to Mr. Payne, at the expiration of the lease to William Spear, unless the order approving General Canby's report recommending that the plantation be restored is interpretable as an order of restoration.

It would appear that the officer in charge of the plantation so interpreted the action of the Secretary on General Canby's report. For it is stated by Mr. Flanders that he is ready and willing to give possession of the property to Mr. Payne, on condition that he will release, in writing, the government, and the officers and agents thereof, from any claim for damages that he may have growing out of the use, occupancy, or possession of the property. This demand of the agent of the Treasury Department, who seems to have control of the property, is the burden of Mr. Payne's complaint. He alleges that the agent is not authorized to require him to perform any such condition, or to give any such release as is suggested.

That may be true, or it may be not. I cannot tell what other order of instructions may have issued from the War Department relative to the restoration of this property. Mr. Flanders, the Treasury agent, may have been instructed by the department to require such a release to be executed before giving possession of the property to Mr. Payne.

Whether such instructions were given or not, the fact that the agent of the Treasury demands such a release, shows that some further action or order of the War Department is required in the case. The Secretary, when he approved General Canby's report, certainly did not allude to the execution of any release in the case. If his action is to be interpreted as an order of restoration, he gave an order of unconditional restoration, to take effect on the expiration of the lease to which reference has been made.

But the question of the propriety of requiring Mr. Payne to release the government and its officers from claims for damages was not before the department when the order of August 11, 1864, was made. It is now, for the first time, suggested by the agent in possession of the property.

It can only be determined by the War Department. The Secretary of War must, therefore, it seems to me, decide whether the agent of the Treasury is to be sustained in his demand of a release or not. If he decides that restoration should be made without a release from Mr. Payne, the department will direct the plantation to be returned to the owner without his performing any condition. If, on the other hand, the department decides that Mr. Payne should give such a release as the agent demands, it will direct restoration to be made on his complying with that condition.

I would respectfully suggest, therefore, that the question between Payne and the special agent of the Treasury, in possession of the property, relative to the execution of a release in the form stated, should be determined by the War Department.

I have returned the papers in the case to the War Department.

I remain, Mr. President, with the greatest respect,

JAMES SPEED,  
*Attorney-General.*

On receipt of this opinion, the President made the following order:

EXECUTIVE MANSION, September 14, 1865.

The recommendation of General Canby will be at once carried into effect, and the property restored to its owner.

ANDREW JOHNSON,  
*President United States.*

Notwithstanding this order of the President, the Freedmen's Bureau interposed conditions, and did not give claimant possession of his property until January 1, 1866, when it was restored to him, naked of crops, the seed-cane almost totally destroyed, the stock taken away, and the whole plantation, as shown by the evidence, in a dilapidated, unproductive, and damaged condition.

When the plantation was first seized it was turned over to John S. Woodward by the sequestration committee by the following order:

NEW ORLEANS, December 8, 1862.

John S. Woodward is hereby empowered to work the plantation of Geo. E. Payne, in the parish of Saint Charles, Louisiana, for one-half of the sugar and molasses to the United States. It is understood that all the property upon the plantation be kept and finally turned over in as like good order and condition as at present.

J. B. KINSMAN,  
*Lt. Col. A. D. C. Commission.*

It further appears that on settlement of accounts by the sequestration commission with the Quartermaster's Department, the sum of \$14,286.70 is reported by that commission as the amount of the gross sales of the crop taken by Woodward, and the net amount placed to the credit of claimant's plantation, March 31, 1863, was \$6,688.13, and which was received by the Quartermaster's Department and by it used in its operations for and on account of the government, and no part of which the claimant has ever received.

During the time that claimant's plantation was held and occupied by B. F. Flanders, supervising special agent of the Treasury Department, the reports of such agent to the department are of the most conflicting and unsatisfactory character, and evince a disposition upon the part of such agent to befog and conceal the real history of the manner in which such plantation was being conducted, and the real statement of its accounts.

The reports as to the ownership of the plantation are conflicting in this, that it was first reported as the plantation "formerly owned by Charles Payne," disloyal, &c., while another report, which is sustained by all the evidence in the case, shows it to be the property of George E. Payne, and there never was any "Charles Payne" in the parish of Saint Charles; again, the reports as to gross receipts, cost of sales, cost of working plantation, net receipts, &c., of this and other plantations seized in the parish of Saint Charles are conflicting in the extreme in material respects.

For instance, under date of February 29, 1864, Mr. Flanders furnished the Treasury Department with a statement entitled "Abstract of sales of products of government plantations on which 1½ per cent. is retained under section 14 of regulations of Treasury Department," in which the Payne plantation is credited as follows: Gross sales, \$36,929.46; cost of sales, \$3,133.99; net receipts, \$33,795.49; being a total of two hundred and fifty-four hogsheads of sugar and three hundred and fifty-one barrels of molasses.

Another statement, of date July 17, 1864, gives as total sales of same amount of sugar and molasses, evidently the same, with this different result: Gross sales, \$36,929.46; gross expenses of sales, \$3,103.97; net proceeds of products from the Payne plantation, \_\_\_\_\_. This last statement, however, adds the enormous sum of \$16,809.66 "as expenses of working the plantation," and showing a net profit to the government of \$17,010.83.

This latter amount of \$17,010.83 the petitioner, Payne, received from the Treasury Department on the 6th day of July, A. D. 1865, all the while protesting, however, that by such receipt he did not waive his right to claim for further rents and profits and for damages done his realty, and also for personal property alleged to have been appropriated by the government and for its use.

Ordinarily the government would not be liable for the wrongful or unauthorized acts of its officers, civil or military. This, however, is different when the government participates in the transaction by receiving the proceeds resulting from the unlawful acts. Such is this case. The government has received in money as the result of this seizure, over and above all expenses, at least the sum of \$23,698.96; the claimant insists a much larger sum. Of this amount the War Department has received \$6,688.13 at least; claimant insists much more; and the Treasury Department \$17,010.83. The latter amount claimant has received, the former he has not, and on claim being made therefor

to the War Department it was denied him—as your committee believe, unjustly.

The act of July 4, 1864, expressly denies claimant any remedy in the Court of Claims (13th Statutes at Large, page 381), and the act of February 21, 1867, prohibits the departments from allowing any claim such as the one under consideration (14th Statutes at Large, 397).

On the 13th April, 1866, claimant presented his petition to Congress, where it has been pending and referred to the Committee on Claims, at each session of Congress since that time, but no report was made until May 3, 1876, when Mr. Mitchell made a favorable report, but there was no action taken upon it by the Senate. It was again referred in October, 1877, but no report was made, and again referred on 10th December, 1879. The record shows that from the 10th day of December, 1862, the second day after the seizure of his property, claimant has been earnest and energetic in pressing his claim.

Even if the committee was in doubt as to the rights of claimant, the case is so exceptional in its character, involving the determination of important questions of constitutional and military law affecting the rights of the citizen, that justice and propriety demand that the claimant shall be given a forum, where, under the rules governing judicial proceedings, his case may be fully heard, and the questions affecting his rights fairly and impartially determined.

Therefore the committee report a bill giving the Court of Claims jurisdiction of the case, and removing the bar of the statute of limitations, and recommend that it pass.

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